

Government
Publications

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Publications

ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA
PASSED IN THE SESSION HELD IN THE
EIGHTH AND NINTH YEARS OF THE REIGN OF HIS MAJESTY
KING EDWARD VII.

BEING THE

FIRST SESSION OF THE ELEVENTH PARLIAMENT

*Begun and holden at Ottawa, on the Twentieth day of January, 1909
and closed by Prorogation on the Nineteenth day of May, 1909*



HIS EXCELLENCY THE
RIGHT HONOURABLE SIR ALBERT HENRY GEORGE, EARL GREY
GOVERNOR GENERAL

VOL. II.
LOCAL AND PRIVATE ACTS

OTTAWA
PRINTED BY CHARLES HENRY PARMELEE
LAW PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1909



8-9 EDWARD VII.

CHAP. 38.

An Act respecting the Abitibi and Hudson Bay Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1907, c. 55. grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Abitibi and Hudson Bay Railway Company may Time for commence the construction of its railway, and expend fifteen ^{construction} _{of railway} extended. per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced, and such expenditure is not so made, or if the said railway is not so completed and put in operation, within the said periods respectively, the powers of construction conferred upon the said Company shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 39

An Act respecting the Alberta Central Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1901, c. 44; grant the prayer of the said petition: Therefore His Majesty, 1903, c. 75; 1907, c. 56. by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Alberta Central Railway Company, hereinafter called "the Company," may lay out, construct and operate the following branch lines of railway: (a) from its westerly terminus near Rocky Mountain House to a point on the Grand Trunk Pacific Railway in or near the Yellowhead Pass; (b) from its easterly terminus near Saskatoon or Warman; (c) from a point on its main line east of Red Deer southerly and easterly to a point at, in or near Moosejaw.

2. The capital stock of the Company shall be two million dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

3. The securities issued by the Company shall not exceed thirty-five thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

4. Sections 4 and 9 of chapter 44 of the statutes of 1901 are repealed.

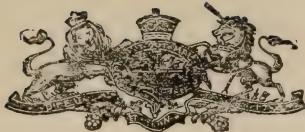
5. The Company may commence the construction of the railways authorized by chapter 44 of the statutes of 1901, of railway chapter extended.

chapter 75 of the statutes of 1903, and by this Act, and may expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced and such expenditure is not so made, or if the said railways are not so completed and put in operation within the said periods respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects such portion of the said railways as then remains uncompleted.

1907, c. 56,
s. 3 repealed.

6. Section 3 of chapter 56 of the statutes of 1907 is repealed.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 40.

An Act respecting the Algoma Central and Hudson Bay Railway Company.

[Assented to 19th May, 1909.]

WHEREAS the Algoma Central and Hudson Bay Railway Preamble. Company has by its petition prayed that it be enacted as 1899, c. 50. hereinafter set forth, and it is expedient to grant the prayer of 1900, c. 49. 1901, c. 46. the said petition: Therefore His Majesty, by and with the 1902, c. 38. advice and consent of the Senate and House of Commons of 1905, c. 53. Canada, enacts as follows:— 1906, c. 54. 1907, c. 57.

1. The Algoma Central and Hudson Bay Railway Company Extension of may commence within two years after the passing of this Act time for the construction of the railway authorized by section 3 of of line to chapter 46 of the statutes of 1901, and may complete the said James Bay. railway and put it in operation within five years after the 1901, c. 46, s. 3. passing of this Act; and if the said railway is not so commenced, 1905, c. 53, s. or if the said railway is not completed and put in operation 2. 1907, c. 57, s. 1. within the said periods respectively, the powers of construction 1. conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

2. Section 2 of chapter 53 of the statutes of 1905 and section Repeal of 1 of chapter 57 of the statutes of 1907 are hereby repealed. former limit of time.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 41.

An Act respecting the Alsek and Yukon Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Alsek and Yukon Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete its railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

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8-9 EDWARD VII.

CHAP. 42.

An Act respecting certain letters patent of the American Bar Lock Company.

[Assented to 19th May, 1909.]

WHEREAS the American Bar Lock Company, a corporation Preamble. having its principal office in the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, has by its petition represented that it is the holder of letters patent for the Dominion of Canada issued under the seal of the Patent Office, being number 93,022, dated 9th May, 1905, for new and useful improvements in vault light construction: and whereas the said company has inadvertently imported certain of the said patented improvements, contrary to the provisions of *The Patent Act*; and whereas the said company by its said petition has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything in *The Patent Act*, or in the letters patent mentioned in the preamble, the importation of the invention patented under the said letters patent shall be deemed not to have affected the validity of the said letters patent, or to have caused forfeiture of any rights acquired thereunder. R.S., c. 69.
2. If since the date of any said importation any person, Certain rights saved. other than a licensee or a person having occupied the position of a licensee, has commenced in Canada to manufacture, use or sell any of the patented inventions covered by the said letters patent, such person may continue such manufacture, use, or sale, as the case may be, in as full and ample a manner as if this Act had not been passed.



8-9 EDWARD VII.

CHAP. 43.

An Act respecting the Anglo-Canadian Bank.

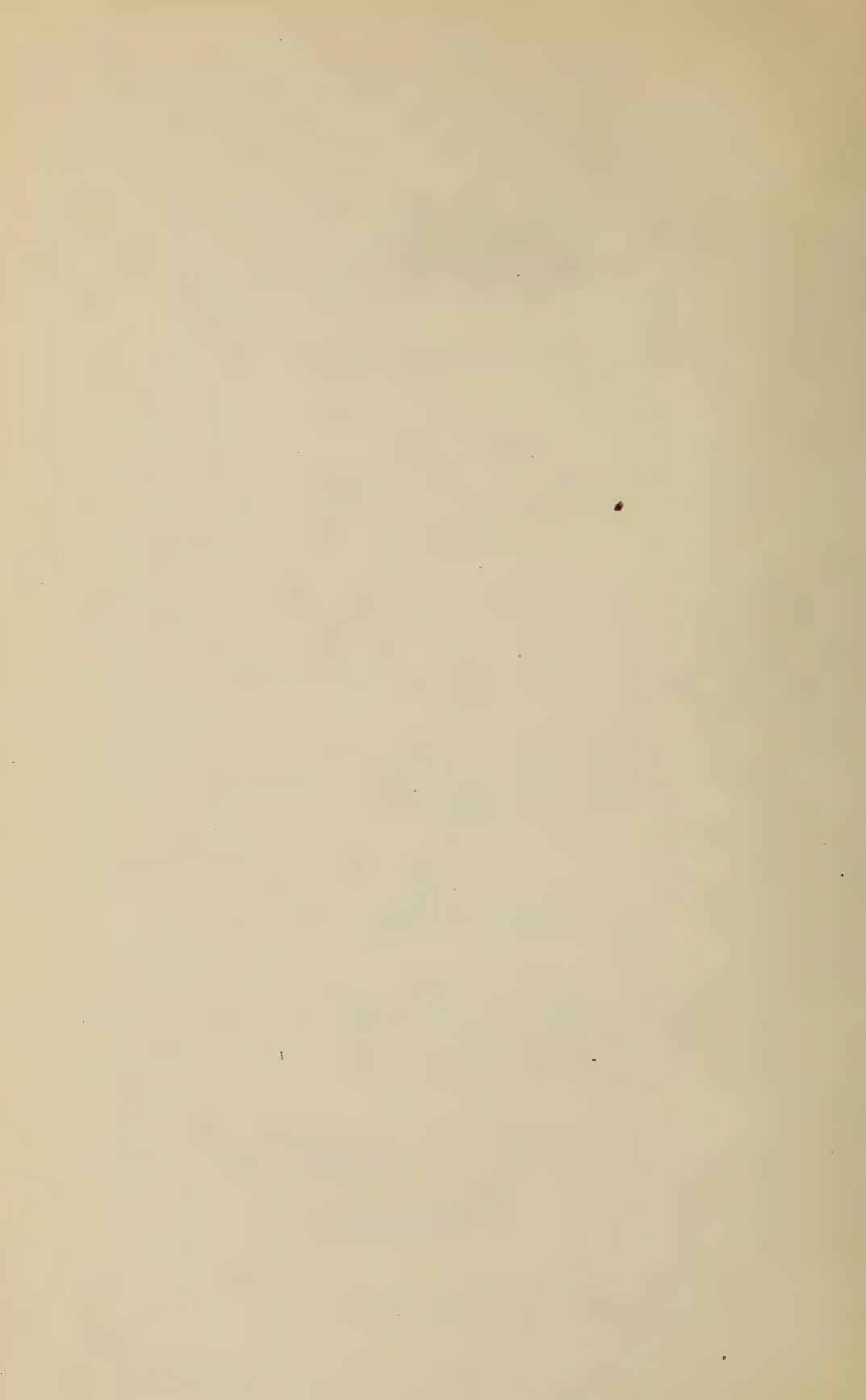
[Assented to 19th May, 1909.]

WHEREAS the provisional directors of the Anglo-Canadian Preamble. and Continental Bank have by their petition prayed 1908, c. 81. that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The name of the Anglo-Canadian and Continental Bank, ^{Change of name.} hereinafter called "the Bank" is changed to "Anglo-Canadian Bank," but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Bank, nor in any-^{wise affect any suit or proceeding now pending, or judgment Existing rights saved.} wise affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Bank, which, notwithstanding such change in the name of the Bank, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

2. Notwithstanding anything in *The Bank Act* or in chapter 81 of the statutes of 1908 incorporating the Bank, the Treasury Board may, within one year after the sixteenth day of June, 1909, give to the Bank the certificate required by section 14 of *The Bank Act*. ^{Extension of time for commencing business. c. 29.}

3. If the Bank does not obtain the said certificate within the time aforesaid, the rights, powers and privileges conferred on the Bank by its Act of incorporation and by this Act shall thereupon cease and determine, but otherwise shall remain in full force and effect notwithstanding section 16 of *The Bank Act*.





8-9 EDWARD VII.

CHAP. 44.

An Act to incorporate the Arnprior and Pontiac Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Arthur H. N. Bruce of the city of Ottawa; James Bell ^{Incorporation.} of the town of Arnprior; H. Kedey of Fitzroy Harbour; and Robert Bruce and James Goodwin Gibson, both of the city of Ottawa, together with such persons as become shareholders in the company, are incorporated under the name of "The ^{Corporate} Arnprior and Pontiac Railway Company," hereinafter called ^{name.} "the Company."
2. The persons named in section 1 of this Act are constituted ^{Provisional} directors of the Company.
3. The capital stock of the Company shall be one million ^{Capital stock} dollars. No one call thereon shall exceed ten per cent on the shares subscribed.
4. The head office of the Company shall be in the city of ^{Head office.} Ottawa, in the province of Ontario.
5. The annual meeting of the shareholders shall be held ^{Annual} meeting on the first Thursday in September.
6. The number of directors shall be not less than five nor Directors more than nine, one or more of whom may be paid directors.

Line of
railway
described.

7. The Company may lay out, construct and operate a line of railway of the gauge of four feet eight and one-half inches from a point on the Pontiac Pacific Junction Railway between Quyon and Campbell's Bay, in the county of Pontiac, in the province of Quebec, southerly by way of Portage du Fort across the Ottawa river to Fitzroy Harbour, in the county of Carleton, in the province of Ontario, thence westerly, via Arnprior, to a point on the Kingston and Pembroke Railway at or near High Falls, in the county of Renfrew; also from Fitzroy Harbour easterly to a point on the Canadian Pacific Railway at or near Britannia, in the county of Carleton, and to a point on the Grand Trunk Railway at or near South March, in the county of Carleton.

Bridge
across
Ottawa
river.

8. The Company may, subject to the provisions of *The Railway Act*, construct a bridge across the Ottawa river at or near the Chats Falls, and maintain and use such bridge with the necessary approaches thereto for railway purposes and for the passage of pedestrians, vehicles, cars or carriages propelled or drawn by electric, horse or other motive power, and may lay tracks on the said bridge for the passage of railway and other cars, and may charge tolls for the passage of cars, vehicles and pedestrians over the said bridge, and such tolls shall, before being imposed, be first submitted to and approved of, and may from time to time be revised, by the Board of Railway Commissioners for Canada, but the Company may, at any time, reduce the tolls, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge.

Approval
of tolls.

Vessels.

Docks and
buildings.

Consent of
municipali-
ties as to
railway on
highways.

9. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

10. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Acquisition
and distribu-
tion of power.

11. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the district through which the railway is authorized to be built; and may receive, transform, transmit, distribute and supply such power or energy in

any form, and may dispose of the surplus thereof and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such *Rates*. rates and charges from time to time.

12. Nothing in this Act, or in *The Railway Act*, or in *The Telegraphs Act*, shall authorize the Company to construct or operate any telegraph or telephone lines, or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

13. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor, and for the purpose of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using of the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company.

14. The securities issued by the Company in respect of its railway shall not exceed twenty thousand dollars per mile of railway of single track, or thirty thousand dollars per mile of railway of double track, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

15. The Company may issue bonds, debentures or other securities to an amount not exceeding four hundred thousand dollars in aid of the bridge hereby authorized, and such bonds may be secured by a mortgage, and such mortgage may contain provisions that all tolls and revenues derived from the use of the said bridge shall be specially charged and pledged as security for such bonds, and may also provide that the Company

Tolls.

shall pay to the trustees of such mortgage such rates and tolls as are authorized by the Board of Railway Commissioners for Canada, which rates and tolls shall also be charged as security for such bonds.

Bond issue
for purchase
of vessels,
etc.

16. The Company may from time to time issue bonds, debentures or other securities for the purchase of lands, the construction or acquisition of any vessels or other properties or works of any kind, other than the railway, which the Company is authorized to construct, acquire or operate, but such bonds, debentures or other securities shall not exceed in amount the value of such lands, vessels, properties and works.

Agreements
with other
companies.

17. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Pontiac Pacific Junction Railway Company, the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Kingston and Pembroke Railway Company, the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Montreal, Nipissing and Georgian Bay Railway Company and the Pacific and Atlantic Railway Company, or any of them.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 45.

An Act respecting the Athabasca Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, ^{1905, c. 58;} ^{1907, c. 61.} by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Athabasca Railway Company may, subject to the ^{Agreements with other companies.} provisions of sections 361, 362 and 363 of *The Railway Act*, enter into agreements with the Alberta and Great Waterways Railway Company, the Edmonton, Yukon and Pacific Railway Company, the Canadian Northern Railway Company, the Canadian Pacific Railway Company, the Calgary and Edmonton Railway Company, the Grand Trunk Pacific Railway Company, and the Saskatchewan Valley and Hudson's Bay Railway Company, or any of them, for any of the purposes specified in the said section 361.
2. The said Company may commence the construction of its ^{Time for construction of railway extended.} railway and expend fifteen per cent of the amount of its capital stock thereon within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.
3. Section 3 of chapter 61 of the statutes of 1907 is repealed. ^{1907, c. 61, s. 3 repealed.}

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8-9 EDWARD VII.

CHAP. 46.

An Act respecting the Athabaska Northern Railway Company.

[Assented to 19th May, 1909.]

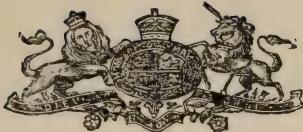
WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to 1905, c. 57; grant the prayer of the said petition: Therefore His Majesty, 1907, c. 62. by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Athabaska Northern Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete its railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said Company shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

2. Chapter 62 of the statutes of 1907 is repealed.

1907, c. 62
repealed.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 47.

An Act for the relief of Victor Eccles Blackhall.

[Assented to 19th May, 1909.]

WHEREAS Victor Eccles Blackhall, of the city of Toronto, Preamble. in the province of Ontario, has by his petition alleged, in effect, that on the thirtieth day of June, A.D. 1891, at the said city of Toronto, he was lawfully married to Blanche Mabel Jackson, then of the said city, a spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto, at divers times in the month of April, A.D. 1895, and at the city of Buffalo, in the state of New York, at divers times in the months of July and August, A.D. 1895, she committed adultery with divers persons; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Victor Eccles Blackhall and Blanche Mabel Jackson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.
2. The said Victor Eccles Blackhall may at any time here-
after marry any woman whom he might lawfully marry if the
said marriage with the said Blanche Mabel Blackhall had not
been solemnized.



8-9 EDWARD VII.

CHAP. 48.

An Act for the relief of Annie Bowden.

[Assented to 19th May, 1909.]

WHEREAS Annie Bowden, presently residing at the city of Preamble. Toronto, in the province of Ontario, wife of Herbert Bowden, formerly of the said city, but presently residing in the city of Philadelphia, in the state of Pennsylvania, one of the United States of America, printer, has by her petition alleged, in effect, that they were lawfully married on the twentieth day of July, A.D. 1898, at the city of Windsor, in the province of Ontario, she then being Annie Pendrel, spinster; that the legal domicile of the said Herbert Bowden was then and is now in Canada; that at the said city of Toronto, at divers times during the latter part of the year A.D. 1903, he committed adultery with one Bessie Smith; that on or about the first day of January, A.D. 1904, he deserted his said wife and has not since then contributed to the support of her and the child born of their marriage; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Annie Pendrel and Herbert Marriage dissolved. Bowden, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.
2. The said Annie Pendrel may at any time hereafter marry Right to marry again. any man whom she might lawfully marry if the said marriage marry again. with the said Herbert Bowden had not been solemnized.



8-9 EDWARD VII.

CHAP. 49.

An Act respecting the Brandon Transfer Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamb'le enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, ^{1906, c. 63.} by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Brandon Transfer Railway Company may commence the construction of its railway authorized by section 8 of chapter 63 of the statutes of 1906, and expend fifteen per cent on the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods, respectively, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Time for
construction
of railway
extended.

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8-9 EDWARD VII.

CHAP. 50.

An Act respecting Brazilian Electro Steel and Smelting Company Limited.

[Assented to 7th April, 1909.]

WHEREAS Brazilian Electro Steel and Smelting Company, Limited, has by its petition represented that it is incorporated under *The Companies Act*, being chapter 79 of the Revised Statutes of Canada, 1906, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subject to the laws in force in the Republic of Brazil, and with such legislative, governmental, municipal or other authority, concession, license or consent as is necessary, Brazilian Electro Steel and Smelting Company, Limited, (hereinafter called "the Company") may, within the Republic of Brazil, survey, lay out, construct, complete, maintain and operate, and from time to time extend, remove and change as required, double or single, iron or steel railways and branches, side tracks, turnouts, and tramways for the passage of cars, carriages and other vehicles adapted thereto, upon and along streets, highways and other public places, and upon and along lands purchased, leased or otherwise acquired by the Company, also telegraph and telephone lines and works in connection therewith, and allow the use of the said railways and other works by lease, license or otherwise for reward, and take, transmit and carry for reward telegrams, messages, passengers and freight, including mails, express and other freight upon or by means thereof, by force of power of animals, or by steam, pneumatic, electric or mechanical power, or by a combination of them or any of them, and also may there acquire by purchase, lease or otherwise upon such terms and conditions as are agreed upon, of other companies.

and maintain and operate for reward any existing or future lines of railway, tramway, telegraph and telephone, and for all or any of the purposes aforesaid the Company may enter into and carry out such contracts, concessions and agreements as it thinks necessary

Issue of
share
warrants.

2. The Company may, with respect to any share which is fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise for the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a "share warrant."

Effect of
share
warrant.

3. A share warrant shall entitle the bearer of such warrant to the shares specified in it, and such shares may be transferred by the delivery of the share warrant.

Surrender
and
cancellation
entitle to
entry as
shareholder.

4. The bearer of a share warrant shall, subject to the conditions to be determined by the directors as hereinafter provided, be entitled on surrendering such warrant for cancellation to have his name entered as a shareholder in the books of the Company, and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in its books the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled.

To what
extent
bearer is to
be deemed
shareholder.

5. The bearer of a share warrant may, if the directors so determine, be deemed to be a shareholder of the Company within the meaning of *The Companies Act*, either to the full extent or for such purposes as is prescribed by the directors: Provided that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the Company.

Warrant will
not qualify
bearer as a
director.

6. On the issue of a share warrant in respect of any share or shares, the Company shall strike out of its books the name of the shareholder then entered therein as holding such share or shares as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

- (a) the fact of the issue of the warrant;
- (b) a statement of the share or shares included in the warrant;
- (c) the date of the issue of the warrant;

Date of
surrender to
be entered.

and until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by sections 89 and 90 of *The Companies Act*, to be entered in the books of the Company in respect of such share or shares; and on the surrender of a warrant the date of such surrender shall be

entered as if it were the date at which a person ceased to be a shareholder.

7. The directors may determine, and from time to time vary, the conditions upon which share warrants shall be issued, and in particular upon which a new share warrant or coupon will be issued in the place of one worn out, defaced, lost or destroyed, and the conditions upon which the bearer of a share warrant shall be entitled to attend and vote at general meetings, and upon which a share warrant may be surrendered and the name of the holder entered in the books of the Company in respect of the shares therein specified. Unless the bearer of a share warrant is entitled to attend and vote at general meetings, the shares represented by such warrant shall not be counted as part of the stock of the Company for the purposes of a general meeting. The holder of a share warrant shall be subject to the conditions for the time being in force, whether made before or after the issue of such warrant.

8. The Company may guarantee the payment of the principal and interest or part thereof of bonds or other securities of any corporation the majority of whose capital stock is held or controlled by the Company. Such guarantee may be signed by the officer duly authorized in that behalf and may be in the form set out in the schedule hereto or to the like effect, and the Company shall be liable to the holder from time to time of the bond or other security so guaranteed in accordance with the terms of such guarantee.

SCHEDEULE.

Payment of the principal and interest (*or as the case may be*) of the within bond (*or as the case may be*) in accordance with the tenor thereof (*or as the case may be*) is hereby guaranteed by Brazilian Electro Steel and Smelting Company, Limited, (*here may be set out any special terms or conditions of the guarantee*).

For

BRAZILIAN ELECTRO STEEL AND SMELTING
COMPANY, LIMITED.

President
(*or other officer duly authorized*).



8-9 EDWARD VII.

CHAP. 51.

An Act to incorporate the British Canadian Accident Insurance Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. S. Sheldon Stephens, Charles A. Pope, Warwick F. Chip-
man, Percival Molson and William P. O'Brien, together with such persons as become shareholders in the company, are incorporated under the name of "The British Canadian Accident Insurance Company," hereinafter called "the Company." Incorpora-
tion. Corporate
name.

2. The persons named in section 1 of this Act, together with such persons, not exceeding six, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock-books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company, and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company. Provisional
directors. Quorum. Powers. Organiza-
tion.

3. The head office of the Company shall be in the city of Head office. Montreal, in the province of Quebec.

2. The directors may establish local advisory boards or Local boards. agencies either within Canada or elsewhere, at such times and in such manner as they deem expedient.

Capital stock

4. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

First general meeting.

5. So soon as one hundred and fifty thousand dollars of the capital stock have been subscribed and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the said city of Montreal, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent of the amount of shares subscribed for by them, shall elect a board of not less than eight nor more than twenty-four directors, the majority of whom shall be a quorum.

Election of directors.

2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock and has paid all calls due thereon and all liabilities incurred by him to the Company.

Qualification of directors.

6. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted; and special, general or extraordinary meetings may at any time be called by any five of the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice of meeting.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed by registered letter to the addresses of the shareholders respectively given in the books of the Company.

Calls on stock.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice shall be given of any call, and any notice of call may be effectually given by sending the notice by registered letter post paid to the last known address of each shareholder: Provided that the whole amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Proviso.

When business may be commenced.

8. The Company shall not commence the business of accident, sickness and property damage insurance as provided for by this Act until one hundred and seventy-five thousand dollars of the capital stock have been subscribed and fifty thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under

this Act: Provided that the Company may commence the business of accident or accident and sickness insurance when one hundred and fifty thousand dollars of the capital stock have been subscribed, and thirty-five thousand dollars have been paid in cash into the funds of the Company: Provided further that the Company may commence the business of property damage insurance when an additional sum of twenty-five thousand dollars of the capital stock has been subscribed and an additional fifteen thousand dollars has been paid in cash into the funds of the Company.

2. No subscription to the capital stock upon which less than ten per cent has been paid in cash shall be taken into account in ascertaining the total amount of capital stock required to be subscribed under subsection 1 of this section.

3. No sum paid by any shareholder who has paid in cash less than ten per cent of the amount subscribed by such shareholder shall be reckoned in ascertaining the several sums required to be paid prior to the commencement of the several classes of business provided for in this section.

9. The Company may make and effect contracts of insurance with any person against any accident or casualty of whatever nature or from whatever cause arising, to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or in the case of death from any accident or casualty not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon. And in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees, of such person, or of the legal representatives of such workmen or employees, with respect to accidents or casualties of whatever nature or from whatever cause arising, whereby the insured suffers pecuniary loss or damage, or incurs costs and expenses, and may generally carry on the business of accident and sickness insurance as defined by *The Insurance Act*. R.S., c. 34.

10. The Company may also make contracts insuring the owner of personal property, other than plate or other window glass, against accidental damage or loss, total or partial, to such property, in situ or transit, by reason of any cause whatsoever, except loss directly or indirectly by fire or by perils of navigation.

11. The Company may also cause itself to be re-insured against any risk undertaken in the course of its business.

12. The Company may acquire and hold any real property required in part or wholly for its use and accommodation and may limited.

may dispose thereof when necessary, but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Quebec where it shall not exceed five thousand dollars.

R.S., c. 34.

13. This Act, and the Company hereby incorporated and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*, and of any general Act relating to insurance passed during the present session of Parliament and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail.

R.S., c. 79.

14. Notwithstanding anything therein, Part II. of *The Companies Act*, except sections 125, 134, 135, 141, 158, 159 and 165 thereof, shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act*, or of this Act, or of any general Act relating to insurance passed during the present session of Parliament.

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8-9 EDWARD VII.

CHAP. 52.

An Act to incorporate the British Colonial Fire Insurance Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be *Preamble* enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Charles Eugene Dubord, a member of the Legislative *Incorpora-*
Council of the province of Quebec, and Jean Baptiste Moris-
sette, insurance underwriter, both of the city of Quebec; Ernest
F. de Varennes, notary public and member of the Legislative
Council of the province of Quebec, of Waterloo, in the county
of Shefford, province of Quebec; Alexander Mathewson Nairn
and Theodore Meunier, both of the city of Montreal, insurance
underwriters; Edmond Guillet, manufacturer, of Marieville,
in the county of Rouville, province of Quebec; and Israel
Louis Lafleur, wholesale hardware merchant, of the city of
Montreal; and J. E. Emile Leonard, advocate, of Ste. Rose, in
the county of Laval, province of Quebec; together with such
persons as become shareholders in the company, are hereby
incorporated under the name of "British Colonial Fire Insur-
ance Company," hereinafter called "the Company." *Corporate
name.*

2. The persons named in section 1 of this Act shall be the *Provisional
directors.*
provisional directors of the Company, the majority of whom
shall be a quorum, and they may forthwith open stock books,
procure subscriptions of stock for the undertaking, make calls
on stock subscribed and receive payments thereon; and they
shall deposit in a chartered bank in Canada all moneys received
by them on account of stock subscribed or otherwise received
by them on account of the Company and shall withdraw the
*Powers for
organization.*

said moneys for the purposes of the Company only; and they may do generally what is necessary to organize the Company.

Capital stock. **3.** The capital stock of the Company shall be two million dollars, divided into shares of one hundred dollars each.

Calls. **4.** The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; no instalment shall exceed ten per cent; and not less than thirty days' notice shall be given of any call.

Head office **5.** The head office of the Company shall be in the city of Montreal, in the province of Quebec.

Agencies. **2.** Local advisory boards or agencies may be established and maintained either in Canada or elsewhere, in such manner as the directors from time to time direct.

First general meeting. **6.** So soon as two hundred thousand dollars of the capital stock have been subscribed, and twenty-five per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Montreal, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than eight nor more than twenty-four directors, of whom a majority shall be a quorum.

Qualification of directors. **2.** No person shall be a director unless he holds in his own name or for his own use at least twenty-five shares of the capital stock, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Annual meeting. **7.** A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business; and at such meeting a statement of the affairs of the Company shall be submitted.

Special general meetings. **2.** Special general meetings may at any time be called by five of the directors or by requisition of any twenty-five shareholders specifying in the notice the object of such meeting.

Notice of meetings. **3.** Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders, mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders respectively given in the books of the Company.

Business of the company. **8.** The Company may generally carry on the business of fire, cyclone or tornado, inland marine and inland transportation insurance in all its branches.

2. The Company may also cause itself to be re-insured against any risk it may have undertaken, and may re-insure

any other person against risks which such person may have undertaken.

9. The Company may invest or deposit such portion of ^{Investment in foreign securities.} its funds in foreign securities as is necessary for the maintenance of any foreign branch.

10. The Company may acquire and hold any real property ^{Power to hold real property.} required in part or wholly for its use and accommodation, and may dispose thereof when necessary; but the annual value of such property held in any province in Canada shall not exceed three thousand dollars, except in the province of Quebec, where ^{Limitation.} it shall not exceed ten thousand dollars.

11. The Company shall not commence the business of fire insurance as provided for by this Act until two hundred and fifty thousand dollars of the capital stock have been subscribed and one hundred thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act. ^{Commencement of business.}

2. The Company shall not commence the business of inland ^{Inland Marine, etc.} marine and inland transportation insurance until its subscribed capital has been increased to at least four hundred thousand dollars, and an additional amount of seventy-five thousand dollars has been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

3. The amount paid in cash by any shareholder which is less than ten per cent of the amount subscribed for by him shall not be reckoned as part of the several sums of one hundred thousand dollars and seventy-five thousand dollars required to be paid into the funds of the Company under the provisions of subsections 1 and 2 of this section nor shall stock upon which less than ten per cent in cash has been paid by the subscriber be reckoned as part of the stock necessary to be subscribed as provided for by this Act. ^{Ascertainment of payments on capital.}

12. In each year for five years after the issue of a license to the Company under *The Insurance Act*, a sum of fifteen thousand dollars shall be paid annually in cash upon the capital stock of the Company, which sum shall be in addition to the sums required to be paid under section 11 of this Act. ^{Additional payments on capital.}

13. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject ^{Application of Insurance Acts.} to the provisions of *The Insurance Act* and of any general Act ^{R.S., c. 34.} relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent ^{Conflicting provisions.} with those Acts, the latter shall prevail.

Application
of R.S., c. 79
R.S., c. 34

14. Notwithstanding anything in *The Companies Act*, Part II. thereof, except sections 125, 134, 135, 141, 158, 159, and 165 thereof, shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

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8-9 EDWARD VII.

CHAP. 53.

An Act to incorporate the British Columbia Life Assurance Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. John Joseph Banfield, David Griffith Williams, John ^{Incorporation.} Theodore Phelan, Frederick Coate Wade, Joseph Nealon Ellis, Patrick Donnelley, Alexander Stuart Munro, all of the city of Vancouver, in the province of British Columbia, and Chester Ernest Sampson, of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The British Columbia Life Assurance Company," hereinafter called "the ^{Corporate name.} Company."

2. The persons named in section 1 of this Act, together with ^{Provisional} such persons, not exceeding eight, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum; and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon; and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

3. The capital stock of the Company shall be one million ^{Capital stock.} dollars, divided into shares of one hundred dollars each.

First general meeting.

Election of shareholders' directors.

Qualification.

Head office.

Agencies.

Policyholders' directors.

Rights of participating policyholders.

Joint meetings.

Quorum.

4. So soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed, and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders of the Company at some place to be named in the city of Vancouver, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent of the amount of shares subscribed for by them, shall elect not more than nine directors, hereinafter called "shareholders' directors."

2. No person shall be a shareholders' director unless he holds in his own name and for his own use at least twenty-five shares in the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.

5. The head office of the Company shall be in the city of Vancouver, in the province of British Columbia.

2. The directors may from time to time establish local advisory boards or agencies, either within Canada or elsewhere, in such manner as the directors from time to time appoint.

6. In addition to the shareholders' directors, at the third annual meeting of the Company, and thereafter at each annual meeting, there shall be elected by the participating policyholders from among their number six directors who are not shareholders and who are hereinafter called "policyholders' directors."

2. Every person whose life is insured under a policy or policies of the Company for one thousand dollars or upwards, and who has paid all premiums then due thereon, whether such person is a shareholder of the Company or not, and who is by the terms of his policy entitled to participate in profits, is referred to in this Act as a holder of a participating policy, and shall be a member of the Company and be entitled to attend and vote, in person or by proxy, at all general meetings of the Company; and every holder of a participating policy of the Company for a sum not less than one thousand dollars, exclusive of bonus additions or profits, shall be entitled to one vote; but such policyholders shall not be entitled, as such, to vote for the election of shareholders' directors. Every proxy representing a participating policyholder must be himself a participating policyholder and entitled to vote, and any such participating policyholder who is not a shareholder shall be eligible for election as a policyholders' director.

3. The policyholders' directors shall meet with the shareholders' directors and shall have a vote upon all business matters.

7. At all meetings of the directors a majority of them shall be a quorum for the transaction of business.

8. The directors shall elect from among themselves a president of the Company and one or more vice-presidents.

President
and vice-
presidents.

9. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given: Provided that the Company shall not commence the business of insurance until sixty-five thousand dollars of the capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

2. No subscription to the capital stock upon which less than ten per cent has been paid in cash shall be reckoned as part of the amount of capital stock required to be subscribed under this Act.

subscription
reckoned if
less than ten
per cent paid
in cash.

3. No sum paid by any shareholder who has paid in cash less than ten per cent of the amount subscribed by such shareholder shall be reckoned as part of the said sixty-five thousand dollars required to be paid under subsection 1 of this section.

No payments
reckoned if
less than
ten per cent
subscribed is
paid in cash.

10. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business at its head office, and at such meeting a statement of the affairs of the Company shall be submitted.

11. Notice of the annual meeting shall be given by publication in two issues of *The Canada Gazette* at least fifteen days prior thereto, and also in six consecutive issues of a daily newspaper published at the place where the head office of the Company is situate, and such notice shall, after section 6 hereof becomes operative, intimate that participating policyholders may, in accordance with the provisions of this Act, vote for and elect six directors.

Annual
meeting.

12. At all general meetings of the Company each shareholder present or represented by proxy, who has paid all calls due upon his shares in the capital stock of the Company, shall have one vote for each share held by him. Every proxy representing a shareholder must be himself a shareholder and entitled to vote.

Voting.

Proxies.

13. The Company may effect contracts of life insurance with any person, and may grant, sell or purchase life annuities, and endowments depending upon the contingency of human life, and generally carry on the business of life insurance in all its branches and forms.

Business of
Company.

Distribution of profits.

14. The directors may, from time to time, set apart such portion of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other sources, and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies, to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared.

Paid up policies to be issued in certain cases.

15. Whenever any holder of a policy, other than a term or natural-premium policy, has paid three or more annual premiums thereon and fails to pay any further premium, or desires to surrender the policy, the premiums paid shall not be forfeited; but he shall be entitled to receive a paid-up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as may occur, or extended insurance under the policy for a period proportionate to such cash surrender value.

Cash surrender value and duration to be inserted in policy.

2. The sum so ascertained and the duration for which insurance may be extended, based upon the assumption that the policy is not subject to any lien by way of loan or otherwise, shall be inserted in the policy and form a part of the contract between the Company and the insured.

Liens to be accounted for.

3. In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, such lien shall be taken into account in fixing the cash surrender value and the paid-up or commuted policy herein referred to.

Cash surrender value to be applied to policy.

4. Until the policyholder elects to accept such cash surrender value or such paid-up and commuted policy, such cash surrender value shall be applied by the Company to maintain the policy in force at its full face value until the whole of the surrender value under the policy is exhausted.

Application of R.S., c. 79.

Proviso as to loans.

16. Part II. of *The Companies Act*, except sections 125, 134, 135, 141, 158, 159, 165 and 168 thereof, shall apply to the Company in so far as the said Part is not inconsistent with any provisions of this Act or of *The Insurance Act* or of any general Act relating to insurance passed during the present session of Parliament: Provided, however, that the Company may make loans to its shareholders or policyholders, not being directors, on the securities mentioned in *The Insurance Act*.

17. This Act and the Company, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament, and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail.

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8-9 EDWARD VII.

CHAP. 54.

An Act respecting the British Columbia Southern Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1901, c. 49; grant the prayer of the said petition: Therefore His Majesty, 1903, c. 87; by and with the advice and consent of the Senate and House of 1904, c. 52; 1906, c. 66; Commons of Canada, enacts as follows:— 1908, c. 87.

1. The British Columbia Southern Railway Company may lay out, construct and operate a branch line from a point at or near Michel in a northerly direction through Kananaskis Pass to a point of junction with the main line of the Canadian Pacific Railway at or near Kananaskis, a distance of about one hundred and twenty miles. Line of railway authorized.
2. The securities issued by the said Company in respect of the branch line of railway authorized by section 1 of this Act shall not exceed twenty-five thousand dollars per mile of the said railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed. Issue of securities.

3. The said Company may commence the construction of the extension of its railway to the forty-ninth parallel and the Tobacco Plains authorized by chapter 55 of the statutes of 1899, and the western section of its railway and the branches to Nelson and Martin Creek as described in section 1 of chapter 52 of the statutes of 1900, and the railway authorized by section 1 of this Act, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, or are not completed and put in operation for the construction of railways extended.

operation within the said periods respectively, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

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8-9 EDWARD VII.

CHAP. 55.

An Act respecting the Brockville, Westport and North-western Railway Company.

[Assented to 19th May, 1909.]

WHEREAS the Brockville, Westport and North-western Preamble. Railway Company has by its petition prayed that it be 1903, c. 88. enacted as hereinafter set forth, and it is expedient to grant the 1905, c. 64. 1907, c. 67. prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Brockville, Westport and North-western Railway Company may complete its railway and put it in operation ^{Extension of time for construct' on.} within five years after the passing of this Act; and if the said railway is not completed and put in operation, within the said 1907, c. 67 period, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects such portion of the said railway as then remains uncompleted.

2. Section 2 of chapter 67 of the statutes of 1907 is hereby 1907, c. 67 amended. repealed.

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8-9 EDWARD VII.

CHAP. 56.

An Act respecting the Burrard, Westminster Boundary Railway and Navigation Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by 1907, c. 68. and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 8 of chapter 68 of the statutes of 1907 is amended s. 8 amended. by adding thereto the following paragraph:—

“(f) From a point on the main line authorized by paragraph (c) of this section, thence in an easterly and northerly direction Line of railway described. by the most feasible route through Yale, Lillooet and Cariboo districts to a point at or near Tête Jaune Cache, where a junction can be made with the branch line of the Vancouver, Westminster and Yukon Railway which runs from the main line of the said railway easterly to Edmonton.”

2. The Burrard, Westminster Boundary Railway and Navigation Company may commence the construction of the railways authorized by chapter 68 of the statutes of 1907 and by this Act, and expend fifteen per cent of its capital stock thereon, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, and such expenditure is not so made, or if the said railways are not completed and put in operation within the said respective periods, the powers granted to the said Company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted. Time for construction of railways extended.

Issue of securities.

3. The limit to the amount of securities specified by section 10 of chapter 68 of the statutes of 1907 shall apply to the railway which the said Company is authorized by this Act to construct.

Agreements with another company.

4. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the said Company may enter into agreements with the Vancouver, Westminster and Yukon Railway Company for any of the purposes specified in the said section 361.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 57.

An Act to incorporate the Cabano Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Donald Fraser and Donald Fraser, Junior, both of Plaster Rock, in the county of Victoria, in the province of New Brunswick; Archibald Fraser and Robert England, both of Cabano, and William Hayes, of Notre Dame du Lac, in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The Cabano Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The undertaking of the Company is declared to be a Declaratory work for the general advantage of Canada.

3. The persons named in section 1 of this Act are constituted Provisional directors. provisional directors of the Company.

4. The capital stock of the Company shall be two hundred and fifty thousand dollars. No one call thereon shall exceed Capital stock. ten per cent on the shares subscribed.

5. The head office of the Company shall be in Cabano, in Head office. the province of Quebec.

6. The annual meeting of the shareholders shall be held on Annual meeting. the first Tuesday in September.

Directors.

7. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from a point at Long lake in the county of Temiscouata, in the province of Quebec, on the line of the National Transcontinental Railway; thence in an easterly direction through the county of Temiscouata, following the valley of the Cabano river, to Cabano, on lake Temiscouata, in the said county of Temiscouata.

Issue of securities.

9. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements with other companies.

10. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with the Commissioners of the Transcontinental Railway and the Temiscouata Railway Company, or either, for any of the purposes specified in the said section 361.

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8-9 EDWARD VII.

CHAP. 58.

An Act for the relief of Aaron William Morley Campbell.

[Assented to 19th May, 1909.]

WHEREAS Aaron William Morley Campbell, of the town of ^{Preamble.} Fort Saskatchewan, in the province of Alberta, postmaster, has by his petition alleged, in effect, that on the eleventh day of November, A.D. 1892, at the town of Battleford, then in the Northwest Territories, but now in the province of Alberta, he was lawfully married to Sarah McFeeeters; that she was then of the said town of Battleford, a spinster; that his legal domicile was then and is now in Canada; that at the city of Seattle, in the state of Washington, one of the United States of America, on or about the sixteenth day of September, A.D. 1903, she went through a pretended form of marriage with one John Currie, with whom since that date she has lived as the reputed wife of the said John Currie and was so living on the twenty-second day of December, A.D. 1908; and that thereby she has committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Aaron William Morley Campbell and Sarah McFeeeters, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

2.

Right to
marry again.

2. The said Aaron William Morley Campbell may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Sarah McFeeters had not been solemnized.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 59.

An Act respecting the Canada Life Assurance Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to 1849, c. 168; grant the prayer of the said petition: Therefore His Majesty, 1879, c. 71; by and with the advice and consent of the Senate and House of 1893, c. 76; Commons of Canada, enacts as follows:— 1899, c. 99.

1. Section 4 of chapter 99 of the statutes of 1899 is repealed, 1899, c. 99 amended. and the following is enacted as section 2 of chapter 71 of the 1879, c. 71, statutes of 1879:— new s. 2.

“**2.** The annual general meeting of the stockholders and Annual policyholders of the Company shall be held at the head office meeting. of the Company, which shall be in the city of Toronto or in such other place in Canada as is fixed by by-law passed by the shareholders at any annual general meeting, or at any special general meeting duly called for that purpose, on the first Thursday in February in each year, and notice thereof shall be given in the first two issues in the next preceding month of *The Canada Gazette*, and also in the first six consecutive issues in the next preceding month of a daily newspaper published in the city of Hamilton, and of one published in the city of Toronto, and of one published in the city of Montreal, and such notice shall contain the names of the retiring directors elected by policyholders, and of any persons proposed for election to the office of director by policyholders, and shall show which if any of them are also shareholders: Provided that the Company may from time to time change the date for holding its annual general meeting by by-law passed and approved of by at least two-thirds of the votes cast by the shareholders present or represented and by the votes of two-thirds of the policyholders entitled to vote for directors present or represented at an annual

general meeting where special notice of the consideration thereat of such by-law has been given. Any such by-law shall make provision for notice of future annual general meetings being given in, as nearly as possible, the manner hereinbefore provided, and shall be subject to approval by the Minister of Finance."

1879, c. 71.

Expressions defined.

2. The expressions "all the profits realised from the entire business of the Company," "the profits realised in the business of the Company," and "such profits," where used in chapter 71 of the statutes of 1879, were and are intended to denote the profits realised in carrying on the Canada Life Assurance Company's life insurance business exclusive of the interest earned on the amount of paid-up capital and on other moneys from time to time at the credit of the shareholders arising from interest so earned or from the shareholders' proportion of profits.

Powers as to
real estate
in Toronto
and Ottawa.

3. The said Company is declared to have power to hold in the province of Ontario, in addition to the lands mentioned or referred to in section 2 of chapter 76 of the statutes of 1893, and with the powers in the said section mentioned, that part of lot number four at the northeast corner of King and Bay streets in the city of Toronto, having a frontage on King street of fifty-two feet, and a depth on Bay street of one hundred and forty-six feet, adjoining the said Company's head office building, and also such lands and premises in the city of Ottawa as are found desirable for the purpose of the said Company's branch office in that city.

Re-division
of shares.

4. The shares of the capital stock of the said Company, which are at present one hundred pounds (Canadian currency) or four hundred dollars each, shall hereafter be divided into shares of the denomination of one hundred dollars each, and each shareholder shall thereupon become entitled to, and be deemed the holder of, four shares of one hundred dollars each in respect of each of the shares held by him; and the books and share registers of the said Company shall be amended so as to conform to the provisions of this Act.

Old shares
extinguished.

5. Upon the passing of this Act all the old shares of four hundred dollars each or one hundred pounds currency par value of the capital stock of the said Company shall be deemed to be extinguished by the substitution therefor of the said new shares of one hundred dollars each par value, as provided by this Act.

Application
of Insurance
Act.

6. This Act, and the said Company and the exercise of the powers hereby conferred, shall be subject to the provisions of

any general Act relating to insurance passed during the present ^{Conflicting} session of Parliament; and in any respect in which this Act is ^{provisions.} inconsistent with that Act the latter shall prevail.

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8-9 EDWARD VII.

CHAP. 60.

An Act to incorporate the Canada National Fire Insurance Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it Preamble be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Edward D. Martin, William T. Alexander, Edwin S. ^{Incorporation.} Popham, James Stuart, Frank H. Alexander, and Edmund Landor Taylor, all of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the company, are incorporated under the name of "The ^{Corporate} Canada National Fire Insurance Company," hereinafter called ^{name.} "the Company."

2. The persons named in section 1 of this Act shall be the ^{Provisional} _{directors.} directors of the Company, the majority of whom shall be a quorum, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls upon stock subscribed, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received ^{Powers.} by them on account of stock subscribed or otherwise received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

3. The capital stock of the Company shall be three million ^{Capital} _{stock.} dollars, divided into shares of one hundred dollars each.

2. The shares of the capital stock subscribed for shall be ^{Payment of} _{shares.} paid by such instalments and at such times and places as the

directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given.

Head office.

4. The head office of the Company shall be at the city of Winnipeg, in the province of Manitoba, but local advisory boards or agencies may be established and maintained elsewhere, in such manner as the directors from time to time direct.

First general meeting.

5. So soon as two hundred thousand dollars of the capital stock of the Company have been subscribed, and twenty-five per cent of that amount paid in to some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Winnipeg, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than eight nor more than twenty-four directors, of which a majority shall be a quorum.

Qualification.

2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the Company, and has paid all calls due thereon, and all liabilities incurred by him to the Company.

Annual meeting.

6. A general meeting of the Company shall be held at the head office once in each year after the organization of the Company and the commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted.

Special meetings.

2. Special general meetings may at any time be called by any five of the directors, and the directors, upon requisition of any twenty-five shareholders, shall call a special general meeting, and in either case the object of such meeting shall be specified in the notice calling the meeting.

Notice.

3. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders, mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders respectively given in the books of the Company.

Business of Company.

7. The Company may make and effect contracts of insurance against loss or damage by fire or lightning, in or to any house, dwelling, store or other building whatsoever, and to any goods, chattels, bridges, railway plant or personal estate whatsoever, for such time and for such premiums or considerations and under such modifications and restrictions and upon such conditions as are agreed upon between the Company and the insured; and the Company may generally carry on the business of fire insurance in all its branches, including the

right to cause itself to be re-insured against any risk it may have undertaken, and to re-insure any other person against risks that such person may have undertaken. Re-insurance.

8. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Investment in foreign securities.

9. The Company shall not commence the business of insurance until two hundred and fifty thousand dollars of the capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act, and thereafter in each succeeding year, for five years, a further sum of fifteen thousand dollars shall be paid in cash upon the capital stock of the Company. When business may be commenced.

2. No subscription to the capital stock upon which less than ten per cent has been paid in cash shall be reckoned as part of the amount of capital stock required to be subscribed for under this Act. No subscription reckoned if less than ten per cent paid in cash.

3. No sum paid by any shareholder who has paid in cash less than ten per cent of the amount subscribed by such shareholder shall be reckoned as part of the one hundred thousand dollars required to be paid under subsection 1 of this section. No payment reckoned if less than ten per cent subscribed is paid in cash.

10. This Act, and the Company, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail. Application of Insurance Acts.

11. Part II. of *The Companies Act*, except sections 125, 134, R.S., c. 79. 135, 141, 158, 159 and 165 thereof, shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act*, or of this Act, or of any general Act relating to insurance passed during the present session of Parliament.

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8-9 EDWARD VII.

CHAP. 61.

An Act to incorporate the Canadian, Liverpool and Western Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Samuel Guy McClenahan, of the city of Montreal, in the province of Quebec; and George S. May, Donald G. Stewart, Thomas Bremner Rankin, and William Johnston, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Canadian, Liverpool and Western Railway Company," hereinafter called "the Company."^{Incorporation. Corporate name.}

2. The works of the Company are declared to be for the general Declaratory. advantage of Canada.

3. The persons named in section 1 of this Act are constituted Provisional directors. provisional directors of the Company.

4. The capital stock of the Company shall be one million Capital stock. No one call thereon shall exceed ten per cent on the shares subscribed.

5. The head office of the Company shall be in the city of Head office. Ottawa, in the province of Ontario.

6. The annual meeting of the shareholders shall be held on Annual meeting. the first Tuesday in September.

Directors.

7. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of
railway
described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches,—

(a) from a point on the Transcontinental Railway at or near the junction of the Ribbon, Maunan and St. Maurice Rivers, in the province of Quebec, thence northeasterly by the most direct and feasible route to a point on the southern shore of Lake St. John; thence in an easterly direction along the Saguenay River to the mouth of the said river;

(b) from the mouth of the Saguenay River in a southwesterly direction, following the River St. Lawrence, by the most direct and feasible route to the city of Quebec; thence along the western or upper shore of the River St. Lawrence by the most direct and feasible route to the city of Montreal, in the province of Quebec.

Consent of
municipali-
ties.

2. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Issue of
securities.

9. The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, elsewhere than between the cities of Quebec and Montreal, as to which section of the railway they shall not exceed thirty thousand dollars per mile, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Special
powers.
Vessels.

10. The Company may, for the purposes of its undertaking,—

(a) construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith;

(b) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes and may, subject to the approval of the Board of Railway Commissioners for Canada, and subject to section 247 of *The Railway Act*, supply, sell or otherwise dispose of surplus power generated by the Company's works and not required for the undertaking of the Company, and for the purposes of such acquisition, utilization and disposal, construct, operate and maintain lines for the conveyance of light, heat, power and electricity.

Buildings.

Water
power,
compressed
air and
electricity.

11. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines

lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to any such companies.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

3. Part II. of *The Telegraphs Act*, except such portions thereof as are inconsistent with the provisions of this Act or *The Railway Act*, shall apply to the telegraphic business of the Company.

12. Nothing in this Act, or in any other Act, shall authorize the Company to construct or operate, whether overground or underground, any telegraph or telephone lines, or any other lines, either directly or indirectly, for the purpose of distributing electricity, or any other energy, for lighting, heating, or other purposes, or disposing of surplus power generated by the Company's works, and not required for the actual undertaking of the Company, under, upon, along or across any private property, highway, public square, or place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such property, highway, or public place, and upon terms to be agreed upon with such municipality.

13. The Company, having been first authorized by a resolution passed at any annual meeting, or at a special general meeting of the shareholders duly called for that purpose, may from time to time issue bonds, debentures or other securities for the purchase of lands, the construction or acquisition of any vessels or other properties or works of any kind, other than the railways which the Company is authorized to acquire or operate; but such bonds, debentures or other securities shall not exceed in amount the value of such vessels, properties and works.

14. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Commissioners of the National Transcontinental Railway, the Grand Trunk Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Canadian Northern Quebec Railway Company and the Quebec and Montmorency Railway Company, or any of them.

English
and French
in Quebec.

15. The Company shall print in both the English and French languages the time tables and bills of lading that are to be used along its line within the limits of the province of Quebec.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 62.

An Act to incorporate the Canadian Medical Association.

[Assented to 19th May, 1909.]

WHEREAS Adam T. Shillington, Robert Wynyard Powell, Preamble. Frederick Montizambert, Henry Beaumont Small and John D. Courtenay, all of the city of Ottawa, in the province of Ontario, physicians, have by their petition on behalf of the unincorporated society known as "The Canadian Medical Association" prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said Adam T. Shillington, Robert Wynyard Powell, Incorporation. Frederick Montizambert, Henry Beaumont Small and John D. Courtenay, and all other members of the said present unincorporated society, together with such other persons as become members of the corporation, are hereby constituted a corporation under the name of "The Canadian Medical Association," Corporate name. hereinafter called "the Association."

2. The objects of the Association shall be the promotion of Objects. the medical and allied sciences, and the maintenance of the honour and the interests of the medical profession, by the aid of all or any of the following:—

(a) Periodical meetings of the members of the Association, and of the medical profession generally, in different parts of Canada or elsewhere.

(b) The publication of such information as may be thought desirable in the form of a periodical journal, which shall be the journal of the Association.

(c) The occasional publication of transactions or other papers.

(d) The grant of sums of money out of the funds of the Association for the promotion of the medical and allied sciences in such manner as may from time to time be determined.

(e) And such other lawful things as are incidental or conducive to the attainment of the above objects.

**By-laws
and rules.**

3. The Association may make such by-laws and rules, not contrary to law or to the provisions of this Act, as it may deem necessary for the government and management of its business and affairs, and especially with respect to the qualification, classification, admission and expulsion of members, the fees and dues which it may deem advisable to impose, and the number, constitution, powers and duties of its executive council, or other governing or managing committee, and of its officers, and may from time to time alter or repeal all or any of such by-laws and rules as it may see fit.

**Existing
constitution,
by-laws and
rules con-
tinued till
changed.**

4. Until altered or repealed in accordance with the provisions thereof, the existing constitution, by-laws and rules of the said unincorporated society, in so far as they are not contrary to law or to the provisions of this Act, shall be the constitution, by-laws and rules of the Association.

**Executive
Council and
Officers.**

5. The present executive council and other officers of the said unincorporated society shall continue to be the executive council and officers of the Association until replaced by others in accordance with the constitution, by-laws and regulations aforesaid.

**Members not
personally
liable.**

6. No member of the Association shall, merely by reason of such membership, be or become personally liable for any of its debts or obligations.

**Real and
personal
property.**

7. The Association may receive, acquire, accept and hold real and personal property by gift, purchase, legacy, lease or otherwise, for the purposes of the Association, and may sell, lease, invest or otherwise dispose thereof in such manner as it may deem advisable for such purposes: Provided however that the annual value of the real estate held by the Association shall not exceed the sum of fifty thousand dollars.



8-9 EDWARD VII.

CHAP. 63.

An Act respecting the Canadian Northern Ontario Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by ^{1907, c. 72.} and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Canadian Northern Ontario Railway Act, 1909.* ^{Short title.}

2. The Canadian Northern Ontario Railway Company, here-^{Lines of railway authorized.} inafter called "the Company," may construct the following lines of railway:—

(a) From a point on or near Nepigon Bay, Lake Superior, northerly to the junction with the National Transcontinental Railway at a point between Long Lake and Summit Lake, with two branches to reach water connections at the northerly and southerly ends of Lake Nepigon.

(b) From a point on the Company's authorized line between Montreal and French River in or near the township of Chisholm, thence northerly and westerly to a point on its Hutton branch, in or near the township of Capreol.

(c) From a point on the Company's authorized line between Sudbury Junction and Port Arthur, near the source of the Vermilion River, northerly and easterly to a point on the National Transcontinental Railway, near its crossing of the Abitibi River.

(d) From a point on the line specified in paragraph (c) at or near the Great Northern Bend of the Montreal River, thence in a generally southerly and easterly direction to a point at or near the south end of Lake Temiscamingue.

(e) From a point on its constructed line at or near Sudbury, southwesterly to a point at or near Little Current.

Time for construction limited.

3. Unless the Company commences within two years and completes and puts in operation within five years after the passing of this Act the lines of railway which the Company is hereby authorized to construct, the powers granted for construction shall cease with respect to so much of the said lines as then remains uncompleted.

Issue of securities.

4. The limit to the amount of securities which the Company may issue and secure under sections 136 to 146, both inclusive, of *The Railway Act*, with respect to the lines of railway authorized by section 2 of this Act, shall be thirty thousand dollars per mile, and such securities may be issued only in proportion to the length of such lines of railway constructed or under contract to be constructed.

Time extended for construction of railways heretofore authorized.

5. Unless the Company commences within two years and completes and puts in operation within five years after the passing of this Act the following lines of railway, the powers granted for the construction thereof shall cease and determine with respect to so much of the said lines as then remains uncompleted:—

(a) The line of railway authorized by section 2 of chapter 65 of the statutes of 1902, as amended by section 7 of chapter 72 of the statutes of 1907, namely, from a point on its authorized main line at or near French River to a point on Batchewana Bay, Lake Superior.

(b) The line of railway authorized by section 3 of chapter 110 of the statutes of 1905, as amended by section 7 of chapter 72 of the statutes of 1907, namely, from a point on the Company's line at or near Toronto, thence easterly to Ottawa.

(c) The lines of railway authorized by section 2 of chapter 72 of the statutes of 1907, namely:—

(i) From a point on its authorized line near Washago to a point on Lake Huron at or near Kincardine;

(ii) From a point on its authorized line at or near Arnprior, southerly to a point on the St. Lawrence River at or near the town of Gananoque;

(iii) From a point on its authorized line at or near Pembroke, southwesterly to a point on Lake Ontario at or near the town of Cobourg or the town of Port Hope;

(iv) From a point on its authorized line in the township of Pickering, northwesterly to a point on the Georgian Bay at or near Owen Sound;

(v) From a point on its authorized line at or within ten miles east of Toronto, westerly passing near or through Toronto, Hamilton and London to a point on the Detroit River at or near Windsor, with a branch from London to St. Thomas and also from London to a point on the St. Clair River at or near Sarnia, and a branch or loop in the townships of York and Scarborough, passing north of Toronto;

- (vi) From a point on the Niagara River at or near the international bridge northwesterly, passing through or near Hamilton, to a point on Lake Huron, at or near Goderich;
- (vii) From a point on Lake Erie, between Dunnville and Port Dover, northerly passing through Brantford and Berlin, to a point at or near Owen Sound or Meaford, on the Georgian Bay;
- (viii) From a point on its authorized line at or near Washago, to a point on the Georgian Bay, at or near Midland;
- (ix) From a point on its authorized line at or near Hawkesbury, westerly to a point on its authorized line in the county of Leeds or Lanark;
- (x) From a point on its authorized line at or near Parry Sound, northeasterly to a point at or near the town of North Bay.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 64.

An Act respecting the Canadian Northern Quebec Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be *Preamble.* enacted as hereinafter set forth, and it is expedient to ^{1907, c. 73;} grant the prayer of the said petition: Therefore His Majesty, ^{1908, c. 94.} by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Canadian Northern Quebec Short title. Railway Act, 1909.*

2. Unless the Canadian Northern Quebec Railway Company ^{Time for construction of railways extended.} commences within two years, and completes and puts in operation within five years, after the passing of this Act the following lines of railway, the powers granted for construction shall cease and determine with respect to so much of the said lines as then remains uncompleted, namely, the lines authorized by —

(a) section 2 of chapter 73 of the statutes of 1907, covering the extension of the St. Jacques-Rawdon branch beyond Rawdon, to a point on or near Lake Archambault, in the county of Montcalm;

(b) section 3 of chapter 70 of the statutes of 1887, and by paragraph (a) of section 3 of chapter 73 of the statutes of 1907, namely, a double or single line of railway from some point on the Quebec and Lake St. John Railway, or from deep water in the harbour, and thence through the city of Quebec to some point on or near the shore of James Bay, following such general course and direction as to the said company appears desirable, and a branch line from some point on the main line at or near Lake St. John to the town of Chicoutimi or St. Alphonse on Ha Ha Bay, and to the St. Lawrence, at or near Tadoussac.

Line of
railway
authorized.

3. The Canadian Northern Quebec Railway Company may construct a line of railway from a point on its line at or near Hedleyville, thence in a generally easterly direction to a point on the Montmorency River near the mouth of the River Laval.

Issue of
securities
limited.

4. The limit to the amount of the securities which the Canadian Northern Railway Company may issue and secure under sections 136 to 146 of *The Railway Act*, both inclusive, shall be a total of thirty thousand dollars per mile of the line hereby authorized and of all lines heretofore authorized to be constructed, or constructed, by the Company or its predecessors by amalgamation, including the amount of securities heretofore authorized; and such securities may be issued only in proportion to the length of such lines of railway constructed or under contract to be constructed.

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8-9 EDWARD VII.

CHAP. 65.

An Act respecting the Canadian Pacific Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Canadian Pacific Railway Company, hereinafter called "the Company," may, within two years after the passing of this Act, commence the construction of the railway which it was authorized by chapter 52 of the statutes of 1902 to construct from a point at or near Piles Junction, thence to Shawinigan Falls and thence to Grand'Mère, and the railways which it was authorized to construct by paragraphs (a), (b), (c), (d), (f), (g) and (i) of section 3 of chapter 74 of the statutes of 1907, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not commenced, or are not completed and put in operation, within the said periods respectively, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

2. The Company may lay out, construct and operate a railway from a point on the revision of the Crow's Nest Pass branch, in township nine, range twenty-two, west of the fourth meridian, in a northerly and northwesterly direction to a point of junction with the MacLeod branch of the Calgary and Edmonton Railway, at or near Aldersyde, or High River, in the province of Alberta, a distance of about eighty-five miles.

Time for construction limited.

3. If the construction of the railway hereby authorized is not commenced within two years after the passing of this Act, or if the railway hereby authorized is not completed and put in operation within five years after the passing of this Act, then the powers conferred upon the Company by this Act shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Bond issue.

4. Subject to the provisions of sections 136 (excepting subsection 1 thereof) to section 146, both inclusive, of *The Railway Act*, not inconsistent with the Company's Special Act, as that expression is defined in *The Railway Act*, the Company may issue bonds in respect of the said railway to the extent of twenty-five thousand dollars per mile thereof in proportion to the length of railway constructed or under contract to be constructed, which bonds shall, subject, in the first instance, to the payment of any penalty imposed upon the Company for non-compliance with the requirements of *The Railway Act*, and next to the working expenditure of the railways authorized to be constructed under the provisions of section 2 of this Act, be a first lien and charge and be secured exclusively upon the railway, the construction of which is authorized by this Act.

First lien on railway.

Issue of consolidated debenture stock.

Ranking of holders.

5. In lieu of the bonds, the issue of which is authorized by this Act, the Company,—being first authorized so to do by at least two-thirds of the votes of the shareholders present or represented at an annual meeting, or at a special meeting of the shareholders duly called for the purpose,—may issue consolidated debenture stock to the same amount, the holders of which shall have equal rights in all respects and shall rank *pari passu* with holders of such consolidated debenture stock as the Company has, prior to the passing of this Act, been authorized to issue.

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to
the King's most Excellent Majesty



8-9 EDWARD VII.

CHAP. 66.

An Act respecting the joint section of the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company at Fort William, Ontario.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be ~~Preamble.~~ enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement, set out in the schedule hereto, between the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company, bearing date the first day of December, one thousand nine hundred and eight, respecting the joint section of the two companies at Fort William, Ontario, is hereby confirmed and declared to be valid and binding upon the parties thereto, and each of the parties thereto is hereby authorized and empowered to do whatever is necessary in order to give effect to the provisions of the said agreement in accordance with the substance and intention thereof: Provided that nothing in ~~the said agreement~~ ^{Agreement in schedule confirmed.} shall be taken to override any of the provisions of *The Railway Act* applicable to the construction and operation of the Joint Section mentioned in the said agreement. ^{Proviso.}

SCHEDULE.

This agreement made this first day of December, A.D. 1908, between The Canadian Pacific Railway Company, hereinafter called the "Canadian Pacific," of the first part, and The Grand Trunk Pacific Railway Company, hereinafter called "the Grand Trunk Pacific," of the second part.

Witnesseth that, the expression "Joint Section," shall mean and include the land forming a portion of the railway of the Canadian Pacific extending from the intersection of the south side of Rebecca Street or Empire Avenue, produced with the east side of Syndicate Avenue in the city of Fort William, to the crossing of the Canadian Northern Railway between Fifth and Sixth Avenues in the city of Port Arthur, as shown in red on the plan identified herewith (and made part of this Agreement) by being signed by the Assistant Chief Engineer of the Western lines of the Canadian Pacific, and by the Chief Engineer of the Grand Trunk Pacific, and a blue print of which is hereunto annexed, and as more particularly described in Schedule "A" hereto, together with all additional land hereinafter by mutual agreement between the said parties acquired or set apart for the joint use of the parties hereto, upon and under the terms hereof, and together with the road, road-bed, tracks, side-tracks, bridges, switches, station, tanks, coal-chutes, yard facilities, buildings, structures and all other appurtenances whatsoever, located upon the said land or which shall under the terms hereof or by mutual agreement between the parties at any time hereafter during the continuance of this Agreement be for joint use located, erected or constructed upon the said lands; also any track or tracks of railway constructed under the provisions hereof, on, upon or along Hardisty, McKellar, Main, Walsh and Harold Streets, or any of them for which authority was given by the town of Fort William to the Grand Trunk Pacific as set forth in chapter 48 of the Acts passed by the Legislature of Ontario in the fifth year of the reign of His Majesty King Edward the Seventh, and in the Agreement Schedule "A," appended thereto, when and so soon as any such track or tracks or parts thereof are constructed with the approval of the Board of Railway Commissioners for Canada as hereinafter provided and also all industrial spurs and sidings used jointly by the parties hereto under the provisions hereof on the north-westerly side of any track or tracks on the land hereinbefore firstly described and extending from the north-westerly side of such track or tracks on said land or on the north-westerly side of and extending from any of said track or tracks or railway upon the said streets when such track or tracks or railway or parts thereof are constructed as herein mentioned.

And whereas the Grand Trunk Pacific desires to have track connection between its railway and the railway of the Canadian Pacific at the said points and as indicated upon the said plan, and to operate its trains and move its traffic upon and over the said Joint Section and to include in this Agreement certain rights claimed by it under said Act and Agreement as herein-after mentioned, and the Canadian Pacific has agreed thereto upon and subject to the terms, conditions and provisions hereinafter contained.

Therefore the parties hereto respectively covenant and agree each with the other of them as follows:—

1. The Canadian Pacific grants to the Grand Trunk Pacific upon and subject to the terms, provisions, covenants and conditions hereinafter contained and subject to the ratification and confirmation of this Agreement by the Parliament of Canada as hereinafter mentioned the right and privilege for and during the term of nine hundred and ninety-nine years from the date hereof to connect its tracks with the tracks of the Canadian Pacific at or in the vicinity of Empire Avenue in the city of Fort William, and at or in the vicinity of the Canadian Northern crossing between Fifth and Sixth Avenues in the city of Port Arthur as indicated upon the said plan, and jointly and equally, in common with the Canadian Pacific, to use, occupy and enjoy the said Joint Section subject to and in accordance with the terms hereof.

2. Except where otherwise herein provided the parties hereto shall have and enjoy in all respects equal rights to the use of the said Joint Section, and the trains of the Grand Trunk Pacific, shall, except as hereinafter otherwise provided, be in every respect treated by the officers, agents and employees in charge or control of or engaged upon the Joint Section as trains of a similar class of the Canadian Pacific thereon, and shall equally have preference over trains of an inferior class belonging to either of the parties; but the trains of the several classes of the Canadian Pacific shall have precedence on the Joint Section over the trains of the Grand Trunk Pacific of the same or inferior classes, and the trains of the Grand Trunk Pacific shall have precedence over the trains of the Canadian Pacific of inferior classes. It is understood that, subject as in this Agreement provided, the Grand Trunk Pacific shall have the right to run all classes of trains over the Joint Section. The main tracks of the Joint Section shall, as far as practicable, be kept unobstructed for the use of the regular trains of both parties.

3. The schedule for the arrival at or departure from Fort William of the trains of the Grand Trunk Pacific over the Joint Section shall be fixed from time to time by agreement between the Superintendents of the parties hereto having charge of the operation of the railway in which the Joint Section is situated. Reasonable notice of any desired change thereof shall be given by such Superintendent of the Grand Trunk Pacific to such Superintendent of the Canadian Pacific, who shall thereupon make and furnish to the Grand Trunk Pacific, as far as it is practicable, the proper schedule or time card for the movement of all trains of both parties on the Joint Section which schedule shall give precedence on the Joint Section to the trains of the several classes of the Canadian Pacific over the trains of the Grand Trunk Pacific of the same or inferior classes and to the trains of the Grand Trunk Pacific over the trains of the Canadian Pacific of inferior classes. In case of any dispute

arising as to the said schedule or as to the speed of any trains, it shall, in case the parties fail to agree, be referred to and settled by arbitration in the manner hereinafter provided. When the trains of the Grand Trunk Pacific are run behind time their movements shall be directed or controlled in the same manner as trains of a similar class of the Canadian Pacific when out of schedule time.

4. The Canadian Pacific Superintendent or other official or officials having jurisdiction over and charge of the Joint Section and the signalmen, despatchers, operators, agents, clerks, station-baggagemen, switchmen, gatemen, flagmen, bridge tenders, trackmen and all others employed on or engaged in the operation or maintenance, repair or renewal of the Joint Section or any other work thereon or on any portion thereof or in controlling the movement of trains or cars over the Joint Section (not including trainmen), and all agents or servants whose salaries or wages in whole or in part are included in the expenses connected with the maintenance, repair and operation of the Joint Section, shall, while so employed or engaged, be deemed to be common agents or employees of both parties hereto, and they shall render equally to each party such services as they should render within the scope of their positions and employment and shall be subject to dismissal, if they decline, neglect or refuse to render such assistance and service to either party as such employees are usually called upon to render or for other good cause shown and demonstrated by the Grand Trunk Pacific to the Canadian Pacific. The trains, engines and cars and the conductors, enginemen, trainmen and other employees of the Grand Trunk Pacific connected with its trains, engines and cars, shall while on the Joint Section, be subject to the rules and regulations of the Canadian Pacific and to the orders of the managers, superintendents, train-masters, train despatchers, and of all other officials of the Canadian Pacific having authority in that behalf, in matters relating to the movement of trains or in any way affecting the safe and proper working of the Joint Section; and the Grand Trunk Pacific shall, on demand, for reasonable cause stated by the Canadian Pacific remove from the Joint Section any such conductor, trainman, engineman or other employee in its employment. And the Canadian Pacific shall on demand for reasonable cause stated by the Grand Trunk Pacific remove from the Joint Section any conductor, trainman, engineman or other employee in its employment.

5. All loss, damage or injury whether to property of either Company party hereto, or in its custody or to its employees or to the passengers of such Company, or to the Joint Section, or to common employees or agents, and generally all loss and damage of whatever description by whomsoever sustained, caused by the negligence of one Company or its exclusive employees (not common agents or employees) shall be assumed

and borne by such Company, but this clause shall not give to any third party any claim or cause of action.

6. In case of loss, damage or injury such as is referred to or described in the next preceding paragraph hereof caused by the negligence of a common agent or employee, the amount thereof shall be charged to and paid as part of maintenance and repair expenses for the month in which such loss, damage or injury happened, but this clause shall not give any third party any claim or cause of action.

7. In case of loss, damage or injury such as is referred to or described in paragraph 5 hereof caused jointly by the negligence of a common agent, employee or employees and of an exclusive employee or employees of one of the parties, the amount thereof shall be assumed and borne as to one-half thereof by the party whose exclusive employee contributed to the same and the remaining one-half thereof shall be charged to and paid as part of maintenance and repair expenses for the month in which such loss, damage or injury happened, but this clause shall not give any third party any claim or cause of action.

8. The parties hereto shall severally assume and bear all loss, damage and injury sustained by them respectively not coming under paragraphs 5, 6 or 7 hereof.

9. In case of any wreck occurring within or upon the Joint Section, caused as mentioned in one or the other of paragraphs 5, 6 and 7 hereof, the expense of removing the same and of repairs to the Joint Section necessitated by such wreck, shall be borne accordingly as determined by paragraphs 5, 6 and 7 hereof.

10. In case of any wreck occurring within or upon the Joint Section proximately caused by negligence of both parties hereto or their respective employees (not common agents or employees or caused by inevitable accident) the expense of removing the same and of repairs to the Joint Section necessitated by such wreck shall be expenses chargeable to maintenance and repair for the month in which such wreck occurred.

11. In case of any wreck occurring within or upon the Joint Section proximately caused jointly by the negligence of a common agent, employee or employees and of an exclusive employee or employees of one of the parties, the expense of removing the same and of repair to the Joint Section necessitated by such wreck shall be borne as to one-half thereof by the party whose exclusive employee contributed to the same and the remaining one-half shall be an expense chargeable to maintenance and repair for the month in which such wreck occurred.

12. In case proceedings are commenced against either party hereto for damage which the other agrees herein to assume or bear the company proceeded against may give notice thereof to the other, and thereupon the last named company shall assume the defence of said proceedings and save the company

proceeded against harmless from all loss and costs. And in case proceedings are commenced against both parties hereto for damage which is to be assumed or borne by one of them alone, such one shall assume the defence of said proceedings and save the other party hereto harmless from all loss and costs. In case proceedings are commenced against one party hereto for damage for which hereunder both parties may be liable to contribute the other party will join or assist in defending and any costs which may be awarded shall be borne in the proportions provided for in paragraphs 5, 6 and 7, as the case may be.

13. In case the parties cannot agree under which of the provisions contained in paragraphs 5, 6, 7, 8, 9, 10 and 11 hereof the loss, damage, injury or expense hereinbefore referred to shall be assumed, charged or borne, the question as to how the said loss, damage, injury or expense was occasioned shall be referred to arbitration in the manner hereinafter provided for the settlement of differences and disputes arising under this agreement, and in all such cases the award of the arbitrators shall be final in determining the question in dispute, and shall prevail over any contrary finding of a Court or Jury in an action instituted by any third person or company, and in which both the parties hereto are not represented; provided, however, that if both parties are represented the finding of such Court or Jury shall prevail.

14. The Canadian Pacific shall provide and construct the necessary interlocking and other protective appliances that may be required at the points of junction of the Grand Trunk Pacific's tracks with the tracks of the Canadian Pacific; the cost of providing and constructing said interlocking and other protective appliances shall be added to capital account.

15. The Grand Trunk Pacific agrees with the Canadian Pacific that it will endeavour to have confirmed and approved by the Board of Railway Commissioners for Canada subject as herein-after mentioned, the grant of the right and the right to build and operate its railway and tracks on the following streets and highways in the city of Fort William, namely: Hardisty, McKellar, Main, Walsh and Harold Streets according as and to the extent such rights are granted and set forth in an agreement between the city of Fort William and the Grand Trunk Pacific dated the 29th day of March, A.D. 1905, and being Schedule "A" to chapter 48 aforesaid, and for that purpose will make application to the said Board which application the Canadian Pacific agrees to support subject however to the right and privilege of the Canadian Pacific at any and all times hereafter to construct and operate across any such tracks and railway on said streets, any spurs or sidings the Canadian Pacific may desire to construct and operate from or connecting with any other tracks of the Joint Section in accordance with the terms of this Agreement.

16. The Grand Trunk Pacific hereby gives to the Canadian Pacific the right and privilege at any time and from time to

time without the necessity of special or any further permission on the part of the Grand Trunk Pacific to construct under the authority of the Grand Trunk Pacific all or any portion of such railway or tracks along and across the following streets and highways, namely: Hardisty, McKellar, Main, Walsh and Harold Streets authorized or permitted by the said Agreement, and the expense thereof in the first instance shall be borne by the Canadian Pacific but shall be carried to capital account and form part thereof.

The Grand Trunk Pacific shall not exercise any right it may or claims to have to build or build any such part of its said railway or tracks along, or across the said streets or highways or any of them, namely: Hardisty, McKellar, Main, Walsh and Harold Streets, between Empire Avenue and Pacific Avenue, as mentioned in said Agreement.

17. The Canadian Pacific shall have the exclusive right and privilege to and may construct spurs and sidings from and connecting with any track or tracks on the Joint Section and may and shall have the right to cross any track or tracks that may be constructed on the said streets or any of them with any spur or siding by means of cross-over switches, diamonds or other appliances, and the Grand Trunk Pacific shall have the right, subject to the terms and provisions hereof, to use any and all industrial spurs or sidings on the north-westerly side of the Joint Section and extending from the north-westerly side thereof, but not the right to use any spur or siding on the south-easterly side (or side toward the Kaministiquia River or Thunder Bay) of said Joint Section; all such north-westerly spurs or sidings hereafter constructed shall be provided by the Canadian Pacific and the cost thereof, save as hereinafter provided, added to capital account. If the Grand Trunk Pacific does not desire to use any such newly constructed north-westerly spur or siding and so intimates in writing to the Canadian Pacific within thirty days after the construction thereof, the cost thereof shall be borne wholly by the Canadian Pacific, which shall thereafter be entitled to the exclusive use and enjoyment of such spur or siding, and shall bear all cost and expense of maintenance and repair thereof. If the Grand Trunk Pacific shall request the Canadian Pacific to build any particular spur or siding on the north-westerly side of and from said Joint Section the same shall be constructed by the Canadian Pacific without delay, and if the Canadian Pacific intimates in writing to the Grand Trunk Pacific within thirty days after the construction thereof that it does not desire to use such spur or siding the whole cost thereof shall be charged to the Grand Trunk Pacific who shall forthwith pay the amount thereof to the Canadian Pacific and after such payment the Grand Trunk Pacific shall be entitled to the exclusive use and be at the entire cost of the maintenance and repair thereof. All industrial spurs and sidings connected with and extending from the north-westerly side of the said Joint Section and used

jointly by the parties hereto as herein provided shall form part of the Joint Section.

18. The Grand Trunk Pacific will consent to and assist in the Canadian Pacific having that part of Hardisty and McKellar Streets opposite to and in front of the site for the proposed new station closed by the city of Fort William and conveyed to the Canadian Pacific and the said part of street when so closed and conveyed to the Canadian Pacific shall form part of the Joint Section and the cost thereof shall be added to capital account.

19. The Canadian Pacific shall in accordance with the plans and specifications approved by both parties construct and fully equip on a site to be selected by the Canadian Pacific upon the lands comprised in the Joint Section, or upon additional land owned or hereafter acquired by the Canadian Pacific between Duncan and Dease Streets for the purpose thereof (which additional land if and when acquired shall form part of the Joint Section) a passenger station and office building suitable for the joint-use of the parties hereto and the cost thereof is to be carried and added to capital account.

20. The maintenance, repair and operation of the Joint Section and of the switches connecting the tracks of the Grand Trunk Pacific with the tracks of the Canadian Pacific and of any protective appliances in connection therewith that may be ordered by the Board of Railway Commissioners for Canada, shall be undertaken by the Canadian Pacific and all work incident thereto shall be done under the direction and supervision of the proper officers of the Canadian Pacific, but unless the Grand Trunk Pacific shall notify the Canadian Pacific in writing from time to time of any defects in respect of the repair and maintenance of the Joint Section or of any part thereof pointing out such defects it shall be taken and assumed as between the parties hereto that the said Joint Section is properly maintained and repaired and the Canadian Pacific shall not be responsible for any loss or damage to the Grand Trunk Pacific unless it is notified as aforesaid of any such defects and the Canadian Pacific has neglected to remedy such defects within a reasonable time thereafter.

21. The expense chargeable to maintenance and repair of the Joint Section shall be payable by the Canadian Pacific in the first instance and shall include—

(a) The cost of repairs and renewals of tracks and of all structures comprised within and forming part of the Joint Section required for the proper maintenance of such tracks and switches including as well the cost plus transportation (not at tariff rates but as charged by the Canadian Pacific in respect of similar material for its railway not part of the Joint Section) of all materials required therefor and the labour incidental thereto, provided that the value of the rails, iron and other materials renewed or replaced shall be credited to maintenance and repair account.

(b) The cost of and incidental to works of protection and protecting the public and the trains and cars of the parties hereto respectively at all crossings of every kind on the Joint Section where protection may be required by law or where it may be deemed necessary by the parties hereto; also the cost of maintenance and operation of the switches connecting the tracks of the Grand Trunk Pacific with the tracks of the Canadian Pacific, including the maintenance and operation of any interlocking plant or protective appliances in connection therewith also the cost of and incidental to the maintenance and operation of any works required for carrying out any order, rule or regulation made by the Board of Railway Commissioners for Canada or by any legally constituted authority whether Dominion, Provincial, Municipal or otherwise affecting the Joint Section or any part thereof, unless the said Board or authority otherwise orders.

(c) All rates, taxes and assessments whether Governmental, Municipal or otherwise charged against and payable upon or in respect of the Joint Section or any portion thereof.

(d) Insurance Premiums, if any, payable in respect of structures on the Joint Section.

(e) The entire salaries, wages and expense accounts of all employees engaged exclusively in work on or in connection with the Joint Section; a fair proportion of the salaries, wages and expense accounts of all such employees as may be partially or occasionally engaged in work on or in connection with the Joint Section, such proportion to be adjusted between the parties and varied from time to time as conditions may warrant.

(f) Such other cost incurred in the maintenance, repair or renewal of the Joint Section, not including the foregoing as according to the usual practice of railway companies are properly chargeable to maintenance.

22. An account shall be kept by the Canadian Pacific and monthly statements rendered to the Grand Trunk Pacific as early in each month as reasonably possible, showing in such detail as is reasonable and fair all expenses of maintenance and repair of the Joint Section from and after the date on which the tracks of the Grand Trunk Pacific are connected with the Joint Section at Empire Avenue as aforesaid, and the Grand Trunk Pacific shall within thirty days after the receipt of such statement pay to the Canadian Pacific (a) such proportion of the amount shown therein as having been expended in respect to the Joint Section, exclusive of the expense of maintenance and repair of the passenger station and of industrial spurs and sidings hereinafter in this paragraph referred to, as the number of engines and of cars of all classes, both loaded and empty, transported by the Grand Trunk Pacific over the Joint Section or any portion thereof during the month covered by such statement shall bear to the total number of engines and of cars of all classes, both loaded and empty, transported during the said month over the

Joint Section or any portion thereof; (b) such proportion of the amount shown in such statement as having been expended in respect of the passenger station on the Joint Section as the number of passenger cars and engines hauling same arriving thereat and departing therefrom for the Grand Trunk Pacific bears to the total number of passenger cars and engines arriving at and departing from the passenger station; each car and engine to be counted once on arriving at and once on departing from the station, but no record to be taken of any empty car or of the engine hauling same arriving at the station for purpose of taking up passengers or departing from station after discharging passengers; provided, however, that for lighting, heating and janitor's service in respect of the office space in the passenger station occupied by the Grand Trunk Pacific, the latter shall pay its proportion of cost thereof not on a car basis as in this sub-clause provided, but such a proportion of the total amount expended for heating, lighting and janitor's service of the offices occupied by both parties as the number of square feet of office space occupied by the Grand Trunk Pacific bears to the total number of square feet of office space occupied by both parties; and (c) such proportion of the amount shown in such statement as having been expended in respect of industrial spurs and sidings used jointly by the parties hereto under the terms hereof as the number of cars placed on such spurs or sidings for the Grand Trunk Pacific during the month covered by such statements shall bear to the total number of cars placed during the said month on such spurs or sidings.

23. Such account referred to in the preceding paragraph may be rendered by delivering the same to the General Superintendent of the Grand Trunk Pacific at Winnipeg, or such other officer as may be designated to the Canadian Pacific by the Grand Trunk Pacific from time to time, or sending the same through the Post Office, postage prepaid, addressed accordingly. Each of the parties shall monthly render to the other the statements requisite for ascertaining the proportion of cost of maintenance payable to each under this section.

24. The Grand Trunk Pacific shall, in addition to the payments hereinbefore provided for from and after the date on which its tracks are connected with the Joint Section at Empire Avenue aforesaid, pay to the Canadian Pacific half-yearly on the first days of January and July in each year, during the continuance of this Agreement, a sum equivalent to interest at the rate of four and one-half per centum per annum upon one-half the amount of the valuation of the Joint Section, which shall form part of capital account, and upon one-half of all amounts from time to time carried to capital account. For the purposes of this paragraph the valuation of the said Joint Section as existing at the date of this Agreement (and of the spur tracks or sidings now running north-westerly therefrom and to be used jointly by the parties hereto but exclusive of the land for the

right of way in that portion of the Joint Section between the intersection of Rebecca Street or Empire Avenue produced with the east side of Syndicate Avenue and the north limit of Pacific Avenue in the city of Fort William), is hereby agreed to be the sum of one hundred and two thousand dollars (\$102,000). The cost of all additions or improvements (not in the nature of repairs) hereafter made by agreement of the parties hereto, including heavier rails, substitution of steel for wooden bridges or permanent for temporary structures and so forth shall from time to time as incurred be carried to capital account and bear interest accordingly. The completion and continuance of the double track by the Canadian Pacific on the Joint Section is hereby consented to as an improvement, the cost of which is to be added to the capital account. If the Grand Trunk Pacific neglects or fails within two years from the date hereof to obtain the confirmation and approval of the Board of Railway Commissioners for Canada to build its railway and tracks along and upon the streets mentioned in paragraphs 15, 16 and 17 hereof as provided by said Agreement Schedule "A" to said Act, then the sum of one hundred and seventy-five thousand seven hundred dollars (\$175,700), being the value of the said land in that portion of the Joint Section between the intersection of Rebecca Street or Empire Avenue produced with the east side of Syndicate Avenue and the north limit of Pacific Avenue in the city of Fort William shall be added to the amount of the said valuation of the Joint Section making a total of two hundred and seventy-seven thousand seven hundred dollars (\$277,700), upon one-half of which the Grand Trunk Pacific is to pay interest at the rate of four and one-half per centum per annum as hereinbefore mentioned.

25. The Canadian Pacific will allow proper inspection by the officers of the Grand Trunk Pacific of all books, accounts, returns and vouchers for the purpose of checking or verifying any account or statement rendered by the Canadian Pacific in pursuance of this Agreement and neither the acceptance of any account or statement, nor the payment thereof by the Grand Trunk Pacific shall prejudice its rights to an audit or verification. If upon any such audit or verification it shall be found that the Grand Trunk Pacific has paid or allowed to the other any such sum or sums of money which under the provisions of this Agreement it was not liable to pay or which should not have been allowed the Grand Trunk Pacific shall be entitled to demand and collect such sum or sums.

26. Each party will allow the other proper inspection by its agents of all books, accounts, returns, vouchers and reports relating thereto for the purpose of checking and verifying any and all accounts which shall be rendered by the party against whom inspection is sought in respect of any loss, injury or damage which the last named party may suffer or sustain and which, under the terms hereof is to be assumed or borne in

whole or in part by the party seeking inspection and for the purpose of checking and verifying all statements and returns of the number of engines and cars of either of the parties transported on or over the Joint Section.

27. Should the Grand Trunk Pacific fail to make any of the monthly payments herein stipulated to be made when they shall become due and payable, and such failure shall continue for thirty days after demand in writing for payment shall have been made by the Canadian Pacific the Canadian Pacific may after the expiration of said thirty days during the continuance of such default exclude the Grand Trunk Pacific from the use of the Joint Section or any part thereof as it may deem advisable.

28. It shall be the duty of the Canadian Pacific to keep the station building and all other buildings on the Joint Section insured by a good and sufficient policy for their full insurable value; and in the event of loss or injury of any of said buildings by fire on which no insurance or insufficient insurance has been effected, in breach of this provision the Grand Trunk Pacific shall not be required to pay interest upon the amount of the loss occasioned by the Canadian Pacific not having insured the same as herein provided.

29. Neither of the parties hereto shall without the written consent of the other assign or transfer any rights or interests under this Agreement or give or assume to give to any other company or person any rights or interest upon or in respect of the Joint Section or any part thereof; and any assignment, transfer or other instrument contrary to the provisions of this clause shall be void and of no effect. Provided always, that an amalgamation by either of the parties with another company shall not be deemed an assignment or transfer contrary to this clause, and the amalgamated company as successors by amalgamation shall possess all the rights of its predecessor under this Agreement, nor shall anything herein contained be construed to confine the parties to the operation of lines now chartered, leased, acquired or operated by them respectively.

30. Any difference which may arise under this Agreement either as to its construction or respecting the carrying out of the same according to the true intent and meaning thereof shall if it cannot be amicably adjusted by the parties hereto, be submitted to arbitration in the following manner: The party desiring such reference shall appoint an arbitrator who shall be a disinterested person skilled in railroad matters and give notice thereof and of intention to refer to the other party who shall within thirty days after receipt of such notice appoint on its behalf an arbitrator who shall also be a disinterested person skilled in railroad matters in default of which the party giving notice of intention to refer may select both arbitrators. The two arbitrators so appointed or selected shall select a third and the award of the said three arbitrators or a majority of them

may after due notice to both parties of the time and place of hearing the matter referred and hearing the party or parties who may attend shall be final and binding on both parties to this Agreement, and the parties hereto expressly agree to abide thereby. In case the two arbitrators first appointed fail to appoint a third within ten days after they have both been appointed then the third arbitrator may be appointed by one of the Judges of the Supreme Court of Judicature for Ontario on application of either party after ten days' notice to the other. In case of death or the refusal to act of any arbitrator or if for any cause the office of any arbitrator becomes vacant his successor shall be appointed in the same manner as is provided for his appointment in the first instance unless the parties otherwise agree.

Pending the settlement of the matter submitted for arbitration each party shall continue to carry on its business in the usual and regular manner and the standing and conduct of either party towards the other shall in no way be affected by the matter in controversy.

31. The Canadian Pacific will join with the Grand Trunk Pacific in applying to Parliament for the necessary legislation confirming and ratifying this Agreement. This Agreement shall not come into force until so ratified and confirmed and when so ratified and confirmed shall be and continue in force for the said term of nine hundred and ninety-nine years from the date hereof.

In witness whereof this Agreement has been duly executed by the parties.

In the presence of

E. W. Beatty.

THE CANADIAN PACIFIC RAILWAY
COMPANY,

T. G. Shaughnessy
President.

W. R. Baker
Secretary.

In the presence of

D'Areyc Tate.

THE GRAND TRUNK PACIFIC RAILWAY
COMPANY,

Frank W. Morse
Vice-President and Gen. Mgr.

Henry Philips
Secretary.

SCHEDULE A.

Description of land comprised in Joint Section at Port Arthur and Fort William, and referred to in Agreement between The Canadian Pacific and The Grand Trunk Pacific Railway Companies. Dated first December, 1908.

All that parcel or tract of the land of the Canadian Pacific Railway Company, taken for right of way of the Canadian Pacific Railway in the town of Port Arthur, as same is shown on a plan of part of the town of Port Arthur, Thunder Bay, showing Canadian Pacific Railway Company's lands registered as plan No. 104 of the Port Arthur Registry Office, which is bounded on the north by the track of the Canadian Northern Railway where it crosses the Canadian Pacific Railway, forty-five feet and eight-tenths of a foot, south of Fifth Avenue, in the said town of Port Arthur.

On the east by a line parallel with and everywhere distant eight feet easterly at right angles from the centre line of the track of the Canadian Pacific Railway, as shown on the said plan No. 104.

On the south by the centre line of William Street, which forms the southerly boundary of the said town of Port Arthur.

On the west, between the Neebing River and the Canadian Northern Railway, by a line parallel with and everywhere thirty-three feet distant westerly at right angles from the centre line of the said track of the Canadian Pacific Railway, as shown on said Plan No. 104, and on the west, between the Neebing River and the centre line of William Street, by a line parallel with and everywhere distant westerly forty-nine feet and one-half of a foot from the centre line of the said track of the Canadian Pacific Railway, as the same is shown on said plan No. 104.

Also, all that parcel or tract of the land of the Canadian Pacific Railway Company, in the town of Fort William, being part of the Canadian Pacific Railway, as shown on a plan of the completed line of the Canadian Pacific Railway Company called a "Plan through the town of Fort William, showing lands taken for Railway purposes in Registry District of Thunder Bay" registered in the Registry Office, in Port Arthur, as plan No. 128, which is bounded on the north by the centre line of William Street aforesaid.

On the easterly side by a line parallel with and everywhere distant eight feet at right angles easterly from the centre line of the track of the Canadian Pacific Railway, as shown on said plan No. 128, from the centre of William Street, on the north to a point distant two hundred and eighty feet northerly from the production easterly of the southerly line of Empire Avenue, known formerly as Rebecca Street, in the said town of Fort William, as show on a plan of the "Town Plot of Fort William"

dated June 30th, 1873, filed in the Registry Office, in Port Arthur, and in the Crown Land Department, at Toronto, Ont.

Thence westerly at right angles to the course of the track of the Canadian Pacific Railway, as shown on said plan No. 128, fourteen feet.

Thence south-westerly and to the right on a curve of four hundred and forty-nine feet and seven-tenths of a foot radius, the easterly tangent of which is parallel to the track of the Canadian Pacific Railway as shown on said plan No. 128, at and to the east of the point of commencement of the said curve four hundred and forty feet more or less to the easterly line of Syndicate Avenue (formerly Hector Street) in the town of Fort William, as shown on said plan No. 128, registered in the Registry Office, at Port Arthur.

Thence northerly on the easterly line of said Syndicate Avenue to a point on said easterly line distant thirty-three feet northerly on a radius of a thirteen degree curve from the last herein described curve.

Thence north-easterly on a curve of four hundred and sixteen feet and seven-tenths of a foot radius concentric with the last herein described curve, and everywhere distant thirty-three feet on the radii of the said curve northerly or westerly from the said curve, three hundred and ninety-one feet more or less to a point distant thirty-nine feet northerly at right angles to the track of the Canadian Pacific Railway, from a point on the aforesaid track opposite the point of commencement of the said herein last described curve.

Thence north-easterly parallel with and everywhere distant thirty-nine feet westerly from the centre of the aforesaid track of the Canadian Pacific Railway, to the southerly line of lot 75 of the McKellar sub-division in the town of Fort William, as shown on the plan registered in the Port Arthur Registry Office as No. 1389.

Thence westerly on the southerly line of said lot 75, and the production thereof westerly to a point distant thirty-three feet easterly at right angles to the course of McKellar Street, from the westerly line of said street, as the said street is shown on said plan No. 1389.

Thence northerly parallel with the westerly line of said McKellar Street, and everywhere distant thirty-three feet easterly therefrom at right angles, to the southerly line of Duncan Street, in the said town of Fort William, as shown on said plan No. 1389.

Thence north-easterly across Duncan Street to the intersection of the northerly line of said Duncan Street with the easterly line of the extension of McKellar Street in the said town, as shown on plan No. 128 aforesaid.

Thence north-easterly on the easterly line of the extension of McKellar Street as shown on said plan No. 128 to its intersection with the production southerly of the east line of May Street in

the said town of Fort William, as the same is shown on said plan No. 128.

Thence north on the east line of May Street to the easterly line of McVicar Street, as shown on said plan No. 128.

Thence north-easterly on the easterly line of McVicar Street to the easterly line of the McVicar sub-division in the said town of Fort William, as shown on a plan registered in the Port Arthur Registry Office as No. 84.

Then south on the said easterly line of said McVicar sub-division to a point in line with the production southerly of the easterly line of Hardisty Street as the same is shown on a plan registered in the Port Arthur Registry Office as No. 54.

Thence northerly on the production of the said easterly line of said Hardisty Street, and on the easterly line of said Hardisty Street to the production easterly of the southerly line of Pacific Avenue, as said Avenue is shown on a plan registered in the Port Arthur Registry Office as No. 57.

Thence westerly on the southerly line of said Pacific Avenue produced fifteen feet and five-tenths of a foot to the westerly limit of the land taken for the right of way of the Canadian Pacific Railway, as shown on plan No. 28 of the Port Arthur Registry Office.

Thence northerly on the westerly limit of said land taken for right of way to the place of beginning on the centre line of William Street aforesaid.

Excepting thereout the land in public streets and highways which may not be owned by the Canadian Pacific Company but including the railway tracks and right of crossing over such streets and highways.

November 7th, 1908.

G. MC PHILLIPS,
O.L.S. & D.L.S.

J. E. SCHWITZER,
Asst. Chief Engineer C.P.R.

B. B. KELLIHER,
Chief Engineer G.T.P. Ry.

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8-9 EDWARD VII.

CHAP. 67.

An Act further to amend chapter 92 of the Statutes of 1901 respecting the Canadian Patriotic Fund Association.

[Assented to 19th May, 1909.]

HIS Majesty, by and with the advice and consent of the Preamble. Senate and House of Commons of Canada, enacts as ^{1901, c. 92.} _{1908, c. 96.} follows:—

1. The affairs of the Canadian Patriotic Fund Association, ^{Executive} _{hereinafter called "the Association,"} shall be managed by the ^{committee.} _{executive committee appointed in accordance with the by-laws, rules and regulations of the Association.}
2. Whenever it is necessary or desirable to take a vote of ^{Mode of voting.} the members of the executive committee of the Association upon any motion, proposition or question affecting the Association, any member may vote personally or by proxy.
3. In such case the secretary of the Association shall transmit ^{Submission of motion, etc.} by mail to each member of the executive committee a copy of the motion, proposition or question to be voted upon; and any member may thereupon transmit his authority to vote by proxy ^{Transmission of proxy.} to the secretary or to any other member of the executive committee.
4. The instrument appointing a proxy shall be in writing, ^{Requisites as to instrum. ent.} and shall be signed by the appointor, and shall be deposited with the secretary of the Association not less than twenty-four hours before the time of holding the meeting at which the vote is to be taken.

Requisites
as to person
of proxy.

5. The person appointed a proxy shall be a member of the executive committee, qualified to vote, and shall not vote unless he is present at the meeting at which the vote is taken.

1908, c. 96
repealed.

6. Chapter 96 of the statutes of 1908 is hereby repealed.

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8-9 EDWARD VII.

CHAP. 68.

An Act to incorporate the Canadian Red Cross Society.

[Assented to 19th May, 1909.]

WHEREAS an Association known as the Canadian Red Cross Society has been in operation for some years past, and was actively engaged during the late war in South Africa in contributing funds and tending the sick and wounded; and whereas the said association was in affiliation with the Society in England known as "The National Society for Aid to the Sick and Wounded in War," and the work, operations and powers of the last named Society have now been transferred to and are being carried on, under the patronage of His Majesty King Edward the Seventh, by the British Red Cross Society, with which the Canadian Red Cross Society has now become affiliated; and whereas the International Conference of Geneva of 1863 recommended: "That there should exist in every country a Committee whose mission consists in co-operating in times of war with the hospital service of the armies by all means in its power;" and whereas it is expedient that there should be a permanent organization in Canada in affiliation with the British Red Cross Society to carry out the purposes of the said treaty, and especially to secure supplies and to execute the humane objects contemplated by the said treaty, with the power to adopt and use the distinctive flag and badge specified by the said treaty in Article 7, on which shall be the sign of the Red Cross, and for the purpose of co-operating with the "Comité International de Secours aux Militaires Blessés"; and whereas it is expedient that the existing association in Canada should be incorporated for the purposes aforesaid: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. His Honour Colonel John Morrison Gibson, Lieutenant Governor of the province of Ontario; Sir Louis H. Davies, ^{Incorporation.} Ottawa;

Ottawa; The Honourable George W. Ross, Toronto; The Honourable Hugh John Macdonald, Winnipeg; The Honourable George A. Cox, Toronto; Colonel George Sterling Ryerson, Toronto; Lieutenant-Colonel A. E. D. Labelle, Montreal; Lieutenant-Colonel T. G. J. Loggie, Fredericton; Lieutenant-Colonel John Bayne MacLean, Toronto; Colonel Frederick Minden Cole, Montreal; Lieutenant-Colonel The Honourable John S. Hendrie, Hamilton; Lieutenant-Colonel William N. Ponton, Belleville; Lieutenant-Colonel George A. Sweny, Toronto; Lieutenant-Colonel John Irvine Davidson, Toronto; Colonel James Mason, Toronto; Colonel Sir Henry M. Pellatt, Toronto; Lieutenant-Colonel Hugh H. McLean, St. John, N.B.; Charles R. Dickson, M.D., Toronto; The Honourable George E. Foster, Toronto; Alexander MacNeill, Wiarton; The Honourable W. H. Montague, Winnipeg; Sir Charles Hibbert Tupper, Victoria; Judge D. J. Hughes, St. Thomas; Justin Miller, Mayor of Ingersoll; John George Hodgins, LL.D., Toronto; James Algernon Temple, M.D., Toronto; Daniel R. Wilkie, Toronto; Thomas G. Roddick, M.D., Montreal; Frederick M. Montizambert, M.D., Ottawa; Henry S. Strathy, Toronto; John T. Small, K.C., Toronto; and Charles Alfred Hodgetts, M.D., Toronto; and the following ladies, president of local organizations: Mrs. H. A. Boomer, London; Mrs. Harrington, Dorchester, N.B.; Mrs. Cornelia de Lancry Smith, Moncton, N.B.; Mrs. Helen Arnold, Sussex, N.B.; Mrs. Edith Boulton Nordheimer, Toronto; Mrs. Jennie C. McFadden, Brampton; Mrs. Florence A. Robertson, Newmarket; Mrs. Emma Tyrwhitt, Bradford; Mrs. Frances M. DuMoulin, Hamilton; Mrs. Emily C. Watson, Edmonton; Lady Tilley, St. John, N.B.; Mrs. Alberta Poulle, Sackville, N.B.; Mrs. Jessie McEwen, Brandon; Mrs. Annie Lett, Guelph; Mrs. Kate I. Hare, Whitby; and Mrs. A. I. Domville, Rothesay, N.B.; and their associates and successors are hereby created a body corporate and politic in and for the Dominion of Canada under the name of "The Canadian Red Cross Society," hereinafter called "the Society."

Corporate name.

Purposes.

Aid to sick and wounded in war.

Performance of national duties under Treaty of Geneva.

Succession to former association.

2. The purposes of the Society shall be,—

(1) to furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, 1863, and also of the treaty of the Red Cross or the treaty of Geneva of August twenty-second, 1864, to which Great Britain has given its adhesion;

(2) to perform all the duties devolved upon a national society by each nation which has acceded to said treaty, but in affiliation with the said British Red Cross Society;

(3) to succeed to and take over all the rights and property heretofore or now held and enjoyed by, and all the duties heretofore performed by, the unincorporated association known as the Canadian Red Cross Society.

3. The Society shall have the right to have and use ^{Emblem and badge.} in carrying out its purposes as an emblem and badge a Greek Red Cross on a white ground as the same has been described in the treaty of Geneva dated the twenty-second day of August, 1864, and adopted by the several nations acceding thereto; and may make by-laws and regulations, not inconsistent with the laws of Canada or of any province thereof; and generally may do all such acts and things as are necessary to carry into effect the provisions of this Act and promote the purposes of the Society; and the Society is hereby designated ^{Authority to act under Treaty of Geneva.} as the Canadian organization which is authorized to act in matters of relief under the said treaty.

4. From and after the passing of this Act it shall be unlawful ^{Penalties for unlawful use of Society's name, badge, etc.} for any person within the jurisdiction of the Parliament of Canada to falsely and fraudulently hold himself out as, or represent or pretend himself to be, a member of, or agent for, the Canadian Red Cross Society, for the purpose of soliciting, collecting or receiving money or material; or for any person to wear or display the sign of the Red Cross, or any insignia coloured in imitation thereof, for the fraudulent purpose of inducing the belief that he is a member of, or an agent for, the Canadian Red Cross Society. Nor shall it be lawful for any person or corporation, or their successors, other than the Canadian Red Cross Society, not now lawfully entitled to use the sign of the Red Cross, hereafter to use such sign or any insignia coloured in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever. If any person violates the provisions of this section, he shall be guilty of an indictable offence and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offence. The fine so collected shall be paid to the Canadian Red Cross Society.

5. The Society may purchase, take, have, hold, possess, retain and enjoy any property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein whatsoever, given, granted, devised, or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for, or in favour of the uses and purposes of the Society.

2. The annual value of the real estate held in Canada by or in trust for the Society shall not exceed fifty thousand dollars.

6. The governing body of the Society shall consist of a ^{Government of Society.} Central Council, numbering eighteen persons, to be elected immediately after the passing of this Act by the corporators above named. It shall be the duty of the Central Council to organize with as little delay as possible branches in the various ^{Branches.} provinces

provinces of Canada under such rules as the Central Council may prescribe; and upon the formation of such branches each province shall be entitled to appoint one member of the Central Council specially to represent it, such member so to be appointed to be in addition to the eighteen above named.

Election of members of Central Council.

Executive Committee.

Report of proceedings.

Penalty for not furnishing report.

2. The said eighteen members of the Central Council shall be elected each for three years, retiring members being eligible for re-election by all the then members of the Society.

3. The Central Council shall have the power to appoint an executive committee of seven of its members, five of whom shall be a quorum, who, when the Central Council is not in session, shall have and exercise all the powers of the Central Council.

7. The Society shall, not later than the thirty-first day of January of each year, furnish to the Minister of Militia and Defence a report of its proceedings for the previous calendar year, including a full, complete and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the Department of Militia and Defence.

2. If for the space of one month the Society neglects or refuses to furnish such report the Society shall be liable to a penalty not exceeding twenty dollars for every day during which such default continues, and any member of the Society who knowingly or wilfully authorizes or permits such default shall be liable to the like penalty.

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8-9 EDWARD VII.

CHAP. 69.

An Act to incorporate the Canadian Western Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. John Stanley Hough, Thomas L. Metcalfe, A. D. Kildahl, Incorporation. Henry J. Box and Orville L. Boynton, all of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the company, are incorporated under the name of "The Canadian Western Railway Company," here-Corporate name. inafter called "the Company."
2. The persons named in section 1 of this Act are constituted Provisional directors. the provisional directors of the Company.
3. The capital stock of the Company shall be two million Capital stock. dollars. No one call thereon shall exceed ten per cent on the shares subscribed.
4. The head office of the Company shall be in the city of Head office. Winnipeg, in the province of Manitoba.
5. The annual meeting of the shareholders shall be held on Annual meeting. the second Wednesday in September.
6. The number of directors shall be not less than five nor Directors. more than nine, one or more of whom may be paid directors.

Line of
railway
described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches:—

(a) From a point on the International Boundary in the province of Alberta, between the east side of range twenty-three and the west side of range twenty-eight west of the fourth principal meridian, passing through the town of Pincher Creek to a point on the Crow's Nest Pass line of the Canadian Pacific Railway Company between Pincher and Cowley, thence north-westerly following the valley of the north fork of the Old Man River to a point near the southerly end of the Livingstone range of mountains, thence northeasterly by the most practicable route to the city of Calgary.

(b) From a point at or near the Livingstone range of mountains, thence to a point in the Rocky Mountains west of Gould's Dome, thence through a pass in the Rocky Mountains to the valley of the Elk River, by the most practicable route, thence southerly down the valley of the Elk River to a junction with the Canadian Pacific Railway and the Great Northern Railway, in the Elk Valley, at or near the village of Michel.

Consent of
municipali-
ties.

8. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Electric or
other power.

9. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy which may be transmitted and delivered to any place in the district through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Rates and
charges.

Consent of
municipali-
ties.

10. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

11. The Company may, subject to the provisions of *The Telegraphs Railway Act*, construct and operate telegraph and telephone lines upon and along its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

3. Part II. of *The Telegraphs Act* shall apply to the telegraphic business of the Company.

12. The securities issued by the Company shall not exceed forty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

13. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being the Canadian Pacific Railway Company, the Great Northern Railway Company, the Calgary and Edmonton Railway Company, the Grand Trunk Pacific Railway Company, the Southern Central Pacific Railway Company and the Canadian Northern Railway Company.

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8-9 EDWARD VII.

CHAP. 70.

An Act to incorporate the Catholic Church Extension Society of Canada.

[Assented to 19th May, 1909.]

WHEREAS the Board of Governors of the Catholic Church Extension Society have by their petition prayed to be incorporated by the Parliament of Canada so that they may carry on business in all the provinces and territories of Canada under the control of one central body, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Most Reverend Fergus Patrick McEvay, D.D., Toronto, Ontario; The Very Reverend Alfred E. Burke, D.D., Alberton, Prince Edward Island; The Reverend John T. Kidd, Toronto, Ontario; The Most Reverend Louis N. Bégin, D.D., Quebec; The Right Reverend James C. McDonald, D.D., Charlottetown, Prince Edward Island; The Right Reverend Alfred J. Archambault, D.D., Joliette, Quebec; The Right Reverend Emile Legal, D.D., Saint Albert, Alberta; The Right Honourable Sir Charles Fitzpatrick, K.C.M.G., Chief Justice of Canada, Ottawa; The Honourable Alexandre Taschereau, LL.D., Minister of Public Works, Quebec; Mr. Justice Nicholas D. Beck of Edmonton, Alberta; M. P. Davis, Ottawa, Ontario; M. J. O'Brien, Renfrew, Ontario; Eugene O'Keefe, M. J. Haney, and G. P. Magann, Toronto, Ontario; and George Lang, Berlin, Ontario, all of them officers and members of the Board of Governors of the Catholic Church Extension Society of Canada, together with such other persons as become members of the Society hereby incorporated, are hereby constituted a corporation under the name of "The Catholic Church Extension Society of Canada," ^{Incorporation.} ^{Corporate name.} hereinafter called "the Society."

Objects.

2. The objects of the Society are religious and charitable and are designed to foster, extend and diffuse the blessings of Christianity and useful knowledge, and to promote and support Christian missions and missionary schools throughout Canada, and to erect, maintain and conduct churches, cemeteries, schools, colleges, orphanages and hospitals in any of the provinces of Canada or its territories.

Provisional directors.

3. The said Most Reverend Fergus Patrick McEvay, Right Reverend Alfred J. Archambault, Very Reverend Alfred E. Burke and Right Honourable Sir Charles Fitzpatrick shall be the provisional directors of the Society.

Head office.

4. The head office of the Society shall be in the city of Toronto, in the province of Ontario, or in such other place in Canada as may from time to time be designated by the Society.

Branches.

5. Subject to the constitution and by-laws of the Society, provincial and territorial branches of the Society may be established subject to such conditions and with such powers as the Society may from time to time determine, provided however that such powers shall not be in excess of those conferred on the Society by this Act.

By-laws.

6. The Society may make by-laws for the guidance of its officers and members, the control and management of its funds, and generally for regulating every matter and thing proper or necessary to be done for the good of the Society and the prosecution of its object and business.

Acquisition and holding of real estate.

7. The Society may receive, take and hold real estate by purchase, gift or devise and determine by by-law the manner in which such property shall be held and conveyed, subject always to the laws of the province in which such real estate is situated; and in regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act.

2. The annual value of the real estate held by or in trust for the Society in any province of Canada, shall not exceed fifty thousand dollars, except in the province of Ontario, where it shall not exceed one hundred and fifty thousand dollars.

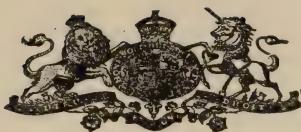
3. The Society shall, within ten years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the use and occupation of the Society, but nothing herein contained shall be deemed in any wise to vary or otherwise affect any trust relating to such property.

8. The Society may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Society, whether by the way of investment for the uses and purposes of the Society or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property in any part of Canada; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Society or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

9. The Society may borrow money, on mortgage security of the real estate of the Society, for the purpose of purchasing real estate, for any of the purposes of the said Society, or for the purpose of erecting, furnishing or repairing any church, chapel, school, hospital, charitable institution, seminary or other building erected or to be erected and for enlarging the same, or to pay off any debt which may have been or may be incurred by the Society, and any person from whom moneys are borrowed by the Society on any mortgage security shall not be obliged to see to the application of the said moneys or any part thereof.

10. Every member of the Society shall receive a certificate of membership, on which shall be printed the conditions of such membership, and so long as such conditions are complied with, he shall enjoy all the benefits and privileges of such membership.

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8-9 EDWARD VII.

CHAP. 71.

An Act respecting the Cedars Rapids Manufacturing and Power Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, ^{1904, c. 65.} by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The expropriation powers granted to the Cedars Rapids Manufacturing and Power Company by chapter 65 of the statutes of 1904 shall cease and determine on the thirtieth day of June, one thousand nine hundred and eleven, and shall not be exercised thereafter, nor shall they at any time be exercised to the detriment of the vested rights of any person or company already duly authorized to carry on water power operations, or of any proprietors of water powers in or adjacent to the River St. Lawrence, in the county of Soulanges, in the province of Quebec, except in the Cedars Rapids, within the limits described in subsection 2 of section 12 of the said chapter 65.

2. The limitation of time fixed by this section for expropriation shall not apply to the expropriation of lands required for right of way for transmission lines and conduits.

2. Subsection 3 of section 12 of chapter 65 of the statutes of 1904 is repealed.

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8-9 EDWARD VII.

CHAP. 72.

An Act respecting the Central Railway Company of Canada.

[Assented to 19th May, 1909.]

WHEREAS the Central Railway Company of Canada, herein-^{Preamble.} after called "the Company," has by its petition prayed that it be enacted as hereinafter set forth and it is expedient ^{1903, c. 172;} to grant the prayer of the said petition: Therefore His Majesty, ^{1904, c. 112;} by and with the advice and consent of the Senate and House of ^{1905, c. 79;} Commons of Canada, enacts as follows:— ^{1906, c. 79.}

1. The Company may for the purpose of raising capital ^{Issue of securities for} necessary for the erection of works for providing light, heat ^{erection of} and power for the Company's use, and for providing electric ^{works, etc.,} equipment for any portion of the Company's lines, stations, ^{other than} the railway. buildings and works, issue bonds, debentures or other securities charged upon such first-mentioned works; provided that in no case shall the amount of bonds, debentures or other securities ^{Limitation of} so issued exceed the value of the works and properties so ^{amount.} charged.

2. The Company may for the purpose of double tracking any ^{Issue of securities for} of its line issue bonds, debentures or other securities to the extent of fifteen thousand dollars per mile for each mile of second ^{double track.} track, constructed or under contract to be constructed.

3. The Company shall, within two years after the passing ^{Limitation of time for} of this Act, expend (including expenditure already made) an ^{completion.} amount equal to fifteen per cent of its capital stock on its railway, and may construct and complete, at any time within five years from the passing of this Act, the railway authorized by chapter 172 of the statutes of 1903, and by Acts amending the same; and if such expenditure has not been made prior to the expiration of the said period of two years, and if the said rail-

way is not completed and put in operation within the said period of five years, the powers for constructing it granted to the said Company by the said Acts, and by this Act, shall cease and be null and void with respect to so much of the said railway as then remains uncompleted.

Section
repealed.

4. Section 3 of chapter 79 of the statutes of 1906 is repealed.

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8-9 EDWARD VII.

CHAP. 73.

An Act respecting the Cobalt Range Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble, enacted as hereinafter set forth, and it is expedient to 1906, c. 82. grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Cobalt Range Railway Company, hereinafter called Railways authorized. "the Company," may lay out, construct and operate the following railways:—

(a) From a point in or near the town of Haileybury in the district of Nipissing, in the province of Ontario, thence westerly to a point at or near Elk lake, via the townships of Bucke, Firstbrook, Barr or Hudson, Lundy, Auld, Cane or Henwood, Barber, Tudhope or Bryce and James, all in the district of Nipissing, and thence to a point at or near Gowganda lake, via the township of Smyth and intervening portions of the district of Nipissing;

(b) From a point in or near the village of Ville Marie, in the county of Pontiac, in the province of Quebec, northerly to a point at or near Opasitica lake, and thence northerly to its junction with the National Transcontinental Railway.

2. The Company may commence the construction of the railways which it has heretofore and by this Act been authorized to construct, and may expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced and such expenditure is not so made, or if the said railways are not completed and

Time for
construction
of railways
extended.

put in operation within the said periods respectively, the powers of construction conferred upon the Company shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

Issue of
securities.

3. The securities issued by the Company in respect of the railways authorized by section 1 of this Act shall not exceed forty thousand dollars per mile of the said railways, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

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8-9 EDWARD VII.

CHAP. 74.

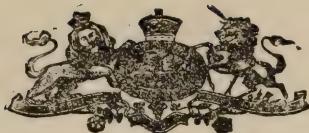
An Act respecting the Collingwood Southern Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to 1907, c. 77. grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Collingwood Southern Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete its railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not so completed and put in operation within the said periods respectively, the powers of construction conferred upon the said Company shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

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8-9 EDWARD VII.

CHAP. 75.

An Act for the relief of Annie Louisa Coltman.

[Assented to 19th May, 1909.]

WHEREAS Annie Louisa Coltman presently residing at the Preamble. town of Buckingham, in the province of Quebec, wife of Milton Delose Coltman, of the city of Toronto, in the province of Ontario, broker, has by her petition alleged, in effect, that they were lawfully married on the tenth day of February, A.D. 1903, at the said town of Buckingham, she then being Annie Louisa Warwick, spinster; that the legal domicile of the said Milton Delose Coltman was then and is now in Canada; that at the city of Toronto, in the province of Ontario, during the month of February or March, A.D. 1907, and at the city of London, in the said province, on or about the twenty-seventh and twenty-eighth days of April, A.D. 1907, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Annie Louisa Warwick and Marriage dissolved. Milton Delose Coltman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to
marry again. **2.** The said Annie Louisa Warwick may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Milton Delose Coltman had not been solemnized.

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8-9 EDWARD VII.

CHAP. 76.

An Act to incorporate Commerce Insurance Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as herein set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Henry John Hague, Spencer Lewin Dale Harris, Alvin Incorporated Ernest Woodworth, Chillian Graves Heward and Edward Goff Trevor Penny, all of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "Commerce ^{Corporate name.} Insurance Company," hereinafter called "the Company."

2. The persons named in section 1 of this Act shall be the ^{Provisional} directors of the Company, a majority of whom shall be a quorum for the transaction of business. They shall remain in office until replaced by directors duly elected in their stead; and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon; and they shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company and may withdraw the same for the purposes of the Company only; and they may do generally what is necessary to organize the Company.

3. The capital stock of the Company shall be five hundred thousand dollars divided into shares of one hundred dollars ^{Capital stock.} each.

2. The shares of the capital stock subscribed for shall be paid ^{Payment for} shares by such instalments and at such times and places as the directors ^{appoint.}

appoint; the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall exceed ten per cent and not less than thirty days' notice of any call shall be given.

Increase of capital stock.

3. The directors may, after the whole authorized capital stock of the Company has been subscribed and fifty per cent paid thereon in cash, increase the capital stock from time to time to an amount not exceeding two million dollars; but the stock shall not be increased until a resolution of the directors authorizing such increase has been first submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

Head office.

4. The head office of the Company shall be in the city of Montreal in the province of Quebec.

Agencies.

2. The directors may from time to time establish local advisory boards or agencies either in Canada or elsewhere in such manner as they deem expedient.

First meeting of shareholders.

5. As soon as two hundred and fifty thousand dollars of the capital stock have been subscribed and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Montreal, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect a board of not less than eight or more than twenty-four directors, of whom a majority shall be a quorum.

Qualification.

2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock and has paid all calls due thereon and all liabilities incurred by him to the Company.

Annual meeting.

6. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and the commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted.

Special meetings.

2. Special general meetings may at any time be called by any five of the directors, and the directors, on requisition of any twenty-five shareholders, shall call a special general meeting, and in either case the object of such meeting shall be specified in the notice calling the meeting.

Notice of meeting.

3. Notice of each such meeting shall be sufficiently given by a printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting has been called, and addressed to the addresses of the shareholders respectively given in the books of the Company.

7. The Company may, generally, carry on the business of ^{Business of the Company.} fire, cyclone or tornado, inland marine and inland transportation insurance in all their branches.

2. The Company may also cause itself to be re-insured ^{against Re-insurance.} any risk it may have undertaken, and may re-insure any other person or company against any risk which such person or company may have undertaken.

8. The Company shall not commence the business of fire ^{Payments on stock.} insurance until two hundred and fifty thousand dollars of the capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon in cash into the funds ^{Before commencement of fire insurance.} of the Company, to be appropriated only for the purposes of the Company under this Act.

2. The Company shall not commence the business of inland ^{Inland marine and transportation insurance.} marine and inland transportation insurance until its subscribed capital has been increased to at least four hundred thousand dollars and an additional amount of seventy-five thousand dollars has been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

3. The amount paid in cash by any shareholder which is less ^{Reckoning of shareholder's payments.} than ten per cent of the amount subscribed for by him shall not be reckoned as part of the several sums of one hundred thousand dollars and seventy-five thousand dollars required to be paid into the funds of the Company under the provisions of subsections 1 and 2 of this section, nor shall stock upon which less than ten per cent in cash has been paid by the subscriber be reckoned as part of the stock necessary to be subscribed as provided by this Act.

9. Within five years after the issue of a license to the Company under *The Insurance Act* a further sum of seventy-five thousand dollars shall be paid in cash upon the capital stock of the Company, in addition to the sums required to be paid under section 8 of this Act, and not less than fifteen thousand dollars of such sum shall be paid annually until the whole sum is paid. ^{Additional payment on capital after issue of license.}

10. The Company may acquire, hold and dispose of any real property, in Canada or elsewhere, required wholly or in part for the use or accommodation of the Company; but the annual value of such property held in any province in Canada shall not exceed five thousand dollars, except in the province of Quebec, where it shall not exceed ten thousand dollars. ^{Real property.}

11. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance ^{Investment in foreign securities.} of any foreign branch.

Application
of R.S., c. 79.

R.S., c. 34.

12. Part II. of *The Companies Act*, excepting sections 125, 134, 135, 141, 154, 158, 159 and 165 thereof, shall apply to the Company in so far as it is not inconsistent with any of the provisions of *The Insurance Act* or of this Act, or of any general Act relating to insurance passed during the present session of Parliament.

Application
of Insurance
Act.

13. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail.

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8-9 EDWARD VII.

CHAP. 77.

An Act to incorporate the Commercial Casualty and Surety Company, of Canada.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Hugh H. McLean, Norman L. McGloan, Frederick R. Incorporated Taylor, Matthew B. Edwards and Harry M. Hopper, all of the city of St. John, in the province of New Brunswick, together with such persons as become shareholders in the company, are incorporated under the name of "The Commercial Casualty and Surety Company, of Canada," hereinafter called "the Company." Corporate name.

2. The persons named in section 1 of this Act, together with such persons, not exceeding six, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company. Provisional directors. Powers.

3. The head office of the Company shall be in the city of Head office. Montreal, in the province of Quebec.

2. The directors may establish local advisory boards or Branches. agencies, either within Canada or elsewhere, at such times and in such manner as they deem expedient.

Capital stock.

4. The capital stock of the Company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each.

Increase of capital.

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding five hundred thousand dollars; but the stock shall not be increased until a resolution of the board of directors authorizing such increase has been first submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

First general meeting.

5. So soon as one hundred and fifty thousand dollars of the capital stock have been subscribed, and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the said city of Montreal, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent of the amount of shares subscribed for by them shall elect a board of not less than eight nor more than twenty-four directors, a majority of whom shall be a quorum.

Election of directors.

2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Annual meeting.

6. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted; and special, general or extraordinary meetings may at any time be called by any five of the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice of meeting.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed by registered letter to the addresses of the shareholders respectively given in the books of the Company.

Calls.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice shall be given of any call; and any notice of call may be effectually given by sending the notice by registered letter post paid to the last known address of each shareholder.

2. The Company shall not commence the business of accident, sickness and guarantee insurance as provided for by this Act until two hundred and fifty thousand dollars of the capital stock have been subscribed and ninety thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided that the Company may commence the business of accident or accident and sickness insurance when one hundred and fifty thousand dollars of the capital stock have been subscribed and forty thousand dollars have been paid in cash into the funds of the Company: Provided further that in case the business of accident and sickness insurance has not been so taken up, the Company may commence the business of guarantee insurance when one hundred and seventy-five thousand dollars of the capital stock have been subscribed and sixty thousand dollars have been paid in cash into the funds of the Company.

3. The amount paid in cash by any shareholder which is less than ten per cent of the amount subscribed for by him shall not be reckoned as part of the several sums of ninety thousand dollars, forty thousand dollars and sixty thousand dollars required to be paid into the funds of the Company under the provisions of subsection 2 of this section, nor shall stock upon which less than ten per cent in cash has been paid by the subscriber be reckoned as part of the stock necessary to be subscribed as provided for by this Act.

8. The Company may carry on such and so many of the classes, branches or kinds of insurance mentioned in section 9 of this Act as are from time to time covered by the license issued to the Company pursuant to the statutes respecting insurance.

9. The classes, branches or kinds of insurance referred to in section 8 of this Act are the following, namely:

(a) the making of contracts of insurance with any person against any accident or casualty of whatever nature or from whatever cause arising to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or, in case of death from any accident or casualty, not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon;

(b) the making of contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties of whatever nature or from whatever cause arising whereby the insured suffers pecuniary loss or damage or incurs costs and expenses;

(c) the making of contracts—

Guarantee insurance.

(i) guaranteeing the fidelity of persons filling or about to fill situations of trust or confidence, and the due performance and discharge by such persons of all or any of the duties and obligations imposed upon them by contract or otherwise;

(ii) guaranteeing the due performance and discharge by receivers, official and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers and agents, of their respective duties and obligations;

(iii) guaranteeing persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person;

(d) the making of contracts of insurance against accidental damage or loss, total or partial, to personal property, other than plate or other glass, *in situ* or in transit, by reason of any cause whatsoever, except loss directly or indirectly by fire or by perils of navigation.

Accidental
damage to
personal
property.

Inspection of
machinery,
etc.

10. The Company may inspect, and issue certificates of inspection of, boilers, pipes, engines, motors and machinery; such certificates shall bind only the parties to the contract, and shall not be used as a public notification of inspection, nor shall any such certificate relieve the owner from any obligation imposed by any inspection Act, whether of Canada or any province of Canada.

Re-insur-
ance.

11. The Company may also cause itself to be insured against any risk undertaken in the course of its business.

Real
property
which may
be held.

12. The Company may acquire and hold any real property required in part or wholly for its use and accommodation, and may dispose thereof when necessary; but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Quebec where it shall not exceed five thousand dollars.

R.S., c. 79.

13. Notwithstanding anything therein, Part II. of *The Companies Act*, except sections 125, 134, 135, 141, 158, 159 and 165 thereof, shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act*, or of this Act, or of any general Act relating to insurance passed during the present session of Parliament.

R.S., c. 34.

Application
of Insurance
Acts.

14. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of any general Act

relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts the latter shall prevail.

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8-9 EDWARD VII.

CHAP. 78.

An Act for the relief of John Christopher Cowan.

[Assented to 19th May, 1909.]

WHEREAS John Christopher Cowan, of the district of Souris, Preamble. in the province of Saskatchewan, farmer, has by his petition alleged, in effect, that on the first day of October, A.D. 1906, at the town of North Portal, in the said district, he was lawfully married to Daisy McFarland; that she was then of the city of Denver, in the state of Colorado, one of the United States of America, a spinster; that his legal domicile was then and is now in Canada; that, at his residence in the said district of Souris, on or about the seventeenth day of October, A.D. 1907, she committed adultery with one Benjamin Burke, of the town of Gainsborough, in the said district, hotel-keeper; that at divers places at divers times since the twenty-second day of December, 1907, she committed adultery with other persons whose names are unknown; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between John Christopher Cowan and Daisy McFarland, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Marriage dissolved.

Right to
marry again.

2. The said John Christopher Cowan may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Daisy McFarland had not been solemnized.

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8-9 EDWARD VII.

CHAP. 79.

An Act respecting the Crawford Bay and St. Mary's Railway Company, and to change its name to "The British Columbia and Manitoba Railway Company."

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble, enacted as hereinafter set forth, and it is expedient to 1904, c. 70; grant the prayer of the said petition: Therefore His Majesty, 1906, c. 85; by and with the advice and consent of the Senate and House of 1907, c. 79 Commons of Canada, enacts as follows:—

1. The name of the Crawford Bay and St. Mary's Railway Company, hereinafter called "the Company," is changed to ^{Name changed.} "The British Columbia and Manitoba Railway Company"; but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

2. Section 5 of chapter 70 of the statutes of 1904 is repealed, Head office and in lieu thereof it is enacted that the head office of the Company shall be in the city of Lethbridge, in the province of Alberta.

3. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into an agreement with another company with the Northern Empire Railway Company for any of the objects specified in the said section 361.

Time for
construction
of railway
extended

4. The Company may commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

1907, c. 79,
amended.

5. Section 5 of chapter 79 of the statutes of 1907 is repealed.

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8-9 EDWARD VII.

CHAP. 80.

An Act respecting the Edmonton and Slave Lake Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1899, c. 66; grant the prayer of the said petition: Therefore His Majesty, 1902, c. 61; by and with the advice and consent of the Senate and House of 1903, c. 18; Commons of Canada, enacts as follows:— 1904, c. 74.

1. Unless the Edmonton and Slave Lake Railway Company Time for completes and puts in operation within five years after the passing of this Act the railway authorized by section 8 of chapter 66 of the statutes of 1899, from a point in the town of Athabaska Landing and Lesser Slave Lake, to Peace River, a distance of about four hundred miles, the powers granted for its construction shall cease and determine with respect to so much of the said railway as then remains uncompleted.

2. Section 14 of chapter 66 of the statutes of 1899, chapter Repeal. 61 of the statutes of 1902, and chapter 74 of the statutes of 1904 are hereby repealed.

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8-9 EDWARD VII.

CHAP. 81.

An Act to incorporate the Equity Fire Insurance Company of Canada.

[Assented to 19th May, 1909.]

WHEREAS the Equity Fire Insurance Company has by its Preamble, petition represented that it was incorporated by letters patent under the Great Seal of Ontario dated 29th January, 1898, issued pursuant to "The Ontario Insurance Act," chapter 203 of the Revised Statutes of Ontario of 1897, and that it has R.S.O., 1897, since 1st July, 1901, under license issued pursuant to *The R.S.C., c. 34. Insurance Act*, carried on the business of fire insurance in Canada; and whereas the said Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The shareholders of the Equity Fire Insurance Company mentioned in the preamble, and hereinafter called "the old Company," together with such persons as become shareholders in the Company hereby incorporated, are hereby incorporated under the name of "The Equity Fire Insurance Company of Canada," hereinafter called "the new Company." Incorporation. Corporate name.

2. The capital stock of the new Company shall be one million Capital stock. dollars, divided into shares of fifty dollars each.

3. Each shareholder of the old Company is hereby declared to be the holder of the same number of shares in the new Company as he holds in the old Company; but only the sum in excess of twenty-five dollars per share paid on the issued shares of the old Company shall be credited as paid on the shares of the new Company. The liability of a shareholder of the new Company Conversion of shares of old Company into shares of new Company. Liability on new shares. upon

Issue of
fully paid
shares for
amount at
credit.

upon the shares of the new Company so held by him shall amount, per share, only to the difference between the sums so credited as paid upon each share and fifty dollars.

2. When the paid-up capital of the new Company is not less than two hundred and fifty thousand dollars, and if the new Company's assets are sufficient to cover the paid-up capital and the re-insurance reserve, as required by *The Insurance Act*, and all other liabilities of the new Company, each holder of shares in the new Company which have been issued in exchange for shares in the old Company, shall receive fully paid-up shares representing the amount so credited as aforesaid as paid upon his shares and the amount of any additional payments which have been made by him.

Liability as
to shares
in old
Company.

4. Nothing in this Act shall affect the liability of shareholders of the old Company who have not paid the calls already made upon the shares of the old Company to pay the said calls; and nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old Company to the present creditors or to the present policyholders of the old Company: Provided, however, that any payment made upon the shares of the new Company shall reduce the liability of the shareholders of the old Company by the amount of such payment.

Proviso.

Acquisition
of old
Company's
assets.

5. The new Company may acquire all assets, rights, credits, effects and properties, real, personal or mixed, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or may become entitled; and in such case the new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company; and such debts, liabilities, obligations and contracts of the old Company shall be a first charge on the said assets, rights, credits, effects and property belonging to the old Company and acquired by the new Company; and any person having any claim, demand, right, cause of action, or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new Company, as such person has against the old Company: Provided, however, that the shareholders of the new Company shall not be individually liable under section 150 of *The Companies Act*, with respect to their shares in the new Company, to such person unless such person abandons his right in respect of the shares in the old Company.

As to
individual
liability of
shareholders.

R.S., c. 79.

Calls on new
Company's
shares.

6. The directors of the new Company may, from time to time, make such calls as they think fit upon the shareholders

in respect of all moneys unpaid on the shares of the new Company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint: Provided, that no call shall exceed ten per cent and that not less than thirty days' notice of any call shall be given.

7. The president, vice-president and directors of the old Company shall continue to be such in the new Company, until their successors are elected; and all by-laws, rules and regulations of the old Company not contrary to law nor inconsistent with this Act shall be the by-laws, rules and regulations of the new Company until amended or repealed under the provisions of this Act.

8. The affairs of the new Company shall be managed by a board of not less than eight nor more than twenty-four directors, a majority of whom shall be a quorum. No person shall be a director unless he holds in his own name and for his own use at least fifty shares of the capital stock of the new Company and has paid all calls due thereon and all liabilities incurred by him to the new Company.

9. The head office of the new Company shall be in the city of Toronto, in the province of Ontario.

2. Local advisory boards or agencies may be established and maintained either in Canada or elsewhere, in such manner as the directors from time to time direct.

10. A general meeting of the new Company shall be called at its head office once in each year; and at such meeting a statement of the affairs of the new Company shall be submitted by the directors.

2. Special general meetings may be called at any time, by any five of the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

3. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders, respectively, given in the books of the new Company.

11. The new Company may make and effect contracts of insurance, throughout Canada and elsewhere, with any person against loss or damage by fire, or lightning, in or to any house, dwelling, store, factory, mill or other building whatsoever, or to any goods, chattels, bridges, railway plants or personal estate whatsoever, for such time, for such premiums or considerations and with such modifications, restrictions and conditions not contrary to law as are agreed upon between the new

Officers,
directors
and by-laws
continued.

Company and the insured; and, generally, may carry on the business of fire insurance in all its branches and forms.

Accident insurance.

2. The new Company may also make and effect contracts of insurance with any person against any accident or casualty, of whatever nature or from whatever cause arising, to individuals whereby the insured suffers loss or injury or is disabled, or, in case of death from accident or casualty, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon; and, generally, may carry on the business of accident insurance as defined by *The Insurance Act*.

Re-insurance.

3. The new Company may also cause itself to be insured against any risk it may have undertaken in the course of its business.

Re-insurance.

4. The new Company may also undertake the re-insurance of the risks of other Companies.

Power to hold real property.

12. The new Company may acquire and hold any real property required in part or wholly for its use or accommodation, and may dispose thereof when necessary, but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars.

Commencement of business.

13. The new Company shall not commence the business of fire insurance authorized by this Act until the subscribed capital of the new Company has been increased from two hundred and twelve thousand four hundred dollars, being the sum to which the present subscribed capital of the old Company is reduced by virtue of section 3 of this Act, to at least two hundred and fifty thousand dollars, and there has been paid thereon, in addition to the sum of twenty-one thousand two hundred and forty dollars, being the amount over and above twenty-five dollars per share paid on the issued shares of the old Company which may be credited as paid on the fifty dollar shares of the new Company, at least the sum of seventy-eight thousand seven hundred and sixty dollars in cash into the funds of the new Company to be appropriated only for the purposes of the new Company under this Act.

Accident.

2. The new Company shall not commence the business of accident insurance as provided for under this Act until its subscribed capital has been increased to at least four hundred thousand dollars, and a further and additional amount of fifty thousand dollars has been paid thereon in cash into the funds of the new Company to be appropriated only for the purposes of the new Company under this Act.

Ascertainment of payments of capital.

3. No subscription to the capital stock upon which less than ten per cent has been paid in cash shall be reckoned as part of the capital stock of the new Company required to be subscribed under this Act.

4. The amount paid in cash by any shareholder of the new Company which is less than ten per cent of the amount subscribed for by him shall not be reckoned as part of the several sums required to be paid under subsections 1 and 2 of this section.

14. In each year for five years after the issue of a license to the new Company under *The Insurance Act* a sum of fifteen thousand dollars shall be paid annually in cash upon the capital stock of the new Company, which sums shall be in addition to the sums required to be paid under section 13 of this Act.

15. This Act shall not take effect unless and until accepted and approved of by resolution passed by a vote of not less than two-thirds in value of the shareholders of the old Company present or represented by proxy at a special general meeting of the old Company duly called for the purpose of considering this Act; and, if so accepted and approved of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said resolution.

2. Notice of such acceptance and approval and of the day so fixed, shall be published by the new Company in *The Canada Gazette*.

16. Notwithstanding anything in *The Companies Act*, Part II. thereof, except sections 125, 134, 135, 141, 158, 159 and 165 of R.S., thereof, shall apply to the new Company, in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act*, or of any general Act relating to insurance passed R.S., c. 34. during the present session of Parliament. or of this Act.

17. This Act, and the new Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts the latter shall prevail.

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 82.

An Act respecting the Fidelity Life Insurance Company of Canada.

[Assented to 19th May, 1909.]

WHEREAS the Fidelity Life Insurance Company of Canada Preamble. has, by its petition, prayed that it be enacted as herein-
after set forth, and it is expedient to grant the prayer of the said 1907, c. 86.
petition: Therefore His Majesty, by and with the advice and
consent of the Senate and House of Commons of Canada, enacts
as follows:—

1. Notwithstanding anything in section 69 of *The Insurance Act*, chapter 86 of the statutes of 1907, incorporating the Fidelity Life Insurance Company of Canada, shall be deemed not to have expired and ceased to be in force after the 27th April, 1909, but to have continued and to be in force. Powers to do business revived and continued. R. S., c. 34. s. 69.

2. The Minister of Finance may, at any time not later than the 27th April, 1910, under and subject to the provisions of *The Insurance Act* and of any Act in amendment thereof, grant to the said Company the license necessary for carrying on business. License.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 83.

An Act to incorporate the Fort Erie and Buffalo Bridge Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Donald McGillivray, of the village of Port Colborne, Incorporation. William E. Phin, of the town of Welland, Joseph Battle, of the town of Thorold, all in the county of Welland, in the province of Ontario; and Sylvio Casparis, of the city of Columbus, in the state of Ohio, David Hyman, of the city of Buffalo, in the state of New York, and William D. Hartupee, of the city of Pittsburg, in the state of Pennsylvania, in the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The Fort Erie and Corporate name. Buffalo Bridge Company," hereinafter called "the Company."

2. The persons named in section 1 of this Act are constituted Provisional directors. provisional directors of the Company, and they shall have all the powers which are conferred upon directors elected by the shareholders, and four provisional directors shall form a quorum.

2. The provisional directors shall deposit in a chartered Powers. bank in Canada all money received by them on account of the Company, and shall withdraw such money for the purposes of the Company only.

3. The capital stock of the Company shall be one million Capital stock. dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary.

Head office.

4. The head office of the Company shall be in the village of Fort Erie, in the county of Welland.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Tuesday in February in each year, or on such other day as it is determined by by-law.

Directors.

6. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Construction of bridge authorized.

7. The Company may construct, maintain and operate a bridge across the Niagara River for the passage of pedestrians, vehicles, carriages, electric cars or street cars and for any other like purpose, with all necessary approaches, from some point in Canada within the corporate limits of the village of Fort Erie to a point within the limits of the city of Buffalo, in the state of New York, so as not to interfere with navigation, and may purchase, acquire and hold such real estate, including lands for sidings and other equipment required for the convenient working of traffic to, from and over the said bridge as the Company thinks necessary for any of the said purposes; but the Company shall not commence the actual construction of the said bridge, nor exercise any of the powers hereunder, until an Act of the Congress of the United States or other competent authority has been passed authorizing or approving the bridging of the said river, but the Company may, in the meantime, acquire the lands, submit their plans to the Governor in Council and do all other things authorized by this Act.

Approval of United States.

Declaratory.

2. The said bridge is hereby declared to be a work for the general advantage of Canada.

Approval of designs, etc., by Governor in Council.

8. The said bridge shall be constructed and located under, and be subject to, such regulations for the security of navigation of the said river as the Governor in Council prescribes, and to such end the Company shall submit to the Governor in Council, for examination and approval, a design and drawing of the bridge, and a map of the location, giving the soundings, accurately showing the bed of the stream and the location of other bridges, and shall furnish such other information as is required for a full and satisfactory understanding of the subject; and until the said plans and location are approved by the Governor in Council the bridge shall not be built or commenced, and if any change is made in the plans of the said bridge during its construction, such change shall be subject to the approval of the Governor in Council, and shall not be made or commenced until it is approved.

Union with another company.

9. The Company may, with the approval of the Governor in Council and of its shareholders, unite—

(a) with any other company incorporated for similar purposes in and under the laws of the said state of New York or the United States in constructing, maintaining and using the said bridge and approaches, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and its approaches and appurtenances;

(b) with any other company incorporated for similar purposes under the laws of Canada or of the province of Ontario, or with any body corporate, in constructing, maintaining, managing and using the said bridge and approaches, and may enter into any agreement with such corporation respecting the construction, maintenance, management and use thereof.

10. The Company may charge tolls for the use of the said bridge, approaches and facilities, and may regulate the tolls to be charged: Provided that such tolls shall be subject to the approval of the Governor in Council, who may revise the same from time to time, and shall be equal to all persons using the said bridge, approaches and facilities.

11. The Company may issue bonds, debentures or other securities in aid of the constructions herein mentioned, to an amount not exceeding one million dollars.

2. For the purpose of securing the issue of such bonds the Company may execute a mortgage or mortgages, not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution passed at a special general meeting of the shareholders called for the purpose.

3. The Company may charge and bind the tolls and revenues of the property to which any such mortgage relates, in the manner and to the extent therein specified.

12. The directors may issue as paid-up stock shares of the capital stock of the Company in payment for any businesses, franchises, undertakings, rights, powers, privileges, letters patent, inventions, real estate, stocks, assets and other properties which the Company may lawfully acquire, and may, for such considerations, allot and hand over such shares to any person or corporation, or its shareholders or directors; and any such issue or allotment of stock shall be binding upon the Company and such stock shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon; or the Company may pay therefor wholly or partly in paid-up shares or wholly or partly in debentures, as may be agreed upon.

13. The Company may receive by grant from any government, municipality or person, as aid in the construction, equipment and maintenance of the said bridge and works connected therewith,

therewith, any real or personal estate or property, or any sums of money, debentures or subsidies, either as gifts by way of bonus or guarantee, or in payment or as subventions for services, and may dispose thereof, and may alienate such of the said property as is not required for the purposes of the Company in carrying out the provisions of this Act.

Time for
construction
of works
limited.

14. The works hereby authorized shall be commenced within two years after the Executive of the United States, or other competent authority, has consented to and approved of such bridging, and shall be completed within five years thereafter, otherwise the powers granted by this Act shall cease as respects so much of the undertaking as then remains uncompleted: Provided, however, that if such consent is not obtained within five years after the passing of this Act the powers granted for the construction of the said works shall cease.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 84.

An Act respecting the subsidy from the Ontario Government to the Lake Superior Branch of the Grand Trunk Pacific Railway.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement set out in the schedule hereto between the Grand Trunk Pacific Railway Company and His Majesty King Edward the Seventh, represented by the Treasurer of the province of Ontario, is hereby confirmed and declared to be valid and binding upon the parties thereto in every respect: Provided that nothing herein, or in the said agreement, shall be construed as relieving the said company from compliance with the provisions of *The Railway Act* in reference to any of the matters referred to in the said agreement, or from compliance with the provisions of chapter 63 of the statutes of 1908 or of any agreement made thereunder.

SCHEDULE.

This agreement made the 22nd day of December, 1908, between: The Grand Trunk Pacific Railway Company, herein-after called "the Company," of the first part, and His Majesty King Edward the Seventh, represented herein by the Treasurer of the Province of Ontario, herein-after called "the Treasurer," of the second part.

This agreement made in pursuance of the provisions of sections 21 and 22 of chapter 18 of the Acts of the Legislature of Ontario, passed in the fourth year of His Majesty's reign, witnesseth as follows:

"Line of railway" herein shall mean that referred to in section 1, sub-section 2 of an Act respecting aid to certain railways, being chapter 18 of the Acts of the Legislature of Ontario, passed in the fourth year of His Majesty's reign, and commonly known as the Lake Superior Branch.

The Company covenants and agrees with the Treasurer that they will not take, levy or allow any secret special rates, rebates, drawbacks or concessions to favored shippers or do or suffer any act or thing that will affect or prevent free competition in any line or lines of trade.

The Company covenants and agrees further with the Treasurer that upon request so to do, made by the council of any township or county municipality through which the line of railway passes they will carry road making material, stone or gravel required for improving any of the roads within any such municipality at the actual cost of handling and carriage.

The Company further covenants and agrees with the Treasurer not to amalgamate with any other company, or to lease or transfer the railway or its franchises or to make pooling arrangements as to rates for freight or other charges or to adopt any method for placing such railways under the management or control in whole or in part of any other railway or railways in any manner whatsoever without the sanction of the Lieutenant Governor of Ontario in Council being first had and obtained.

The Company further covenants and agrees with the Treasurer that in case the Government of Canada shall at any time take over, at a valuation, the said line of railway, it will repay to the Treasurer of the Province of Ontario, forthwith, the amount of cash subsidy and the amount or value of the land grant given to the said Company, pursuant to the provisions of the said Act.

The Company further covenants and agrees with the Treasurer to make application to the Parliament of Canada for an Act to ratify and confirm and make binding upon the Company the provisions in this agreement contained.

This agreement shall be binding on the successors and assigns of the parties hereto respectively.

In witness whereof this agreement has been duly executed by the parties.

Signed, sealed and delivered in the presence of	THE GRAND TRUNK PACIFIC RAILWAY COMPANY
D'Arcy Tate	
[Seal.]	By Frank W. Morse Vice Prest. & Gen. Mgr. Henry Philips Secretary.
C. A. Matthews, jun.	A. J. Matheson Treasurer of Ontario. [Seal.] Copy

Copy of an Order in Council approved by His Honour the Lieutenant Governor, the 31st day of December, A.D. 1908.

Upon the recommendation of the Honourable the Treasurer, the Committee of Council advise that he be authorized to execute an agreement in accordance with the accompanying draft between The Grand Trunk Pacific Railway Company and His Majesty the King under the provisions of sections 21 and 22 of chapter 18, 4 Edward VII.

Certified,

J. Lonsdale Capréol
Clerk, Executive Council.

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to
the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 85.

An Act respecting the Union Station and other joint facilities of the Grand Trunk Pacific Railway Company and the Midland Railway of Manitoba, at Portage la Prairie.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement set out in the schedule hereto, between the Grand Trunk Pacific Railway Company and the Midland Railway of Manitoba respecting the establishment of a union station and other joint facilities between the said companies at the city of Portage la Prairie, is hereby confirmed and declared to be valid and binding upon the parties thereto, and the parties thereto are hereby authorized and empowered to do whatever is necessary in order to give effect to the provisions of the said agreement in accordance with the substance and intention thereof: Provided that nothing in the said agreement shall be taken to override any of the provisions of *The Railway Act* applicable to the construction and operation of the joint property mentioned in the said agreement.

SCHEDULE.

Agreement, made in duplicate, this sixth day of June, 1908, between The Grand Trunk Pacific Railway Company, herein-after called "The Grand Trunk Pacific," of the first part, and The Midland Railway of Manitoba, herein-after called "The Midland," of the second part.

Whereas a preliminary contract was heretofore entered into between the parties hereto, of which the terms are set forth in a certain letter from R. I. Farrington, Second Vice-President of The Great Northern Railway Company, to Frank W. Morse, Vice-President and General Manager of The Grand Trunk Pacific, dated 31st May, 1906, the object of which was to secure the establishment of a union railway station and other joint facilities between The Grand Trunk Pacific and The Midland, at the city of Portage la Prairie; and

Whereas, in pursuance of such preliminary contract The Grand Trunk Pacific acquired and is now the owner of the land shown in red on the plan hereto annexed and identified by the signatures of the Vice-President and General Manager of The Grand Trunk Pacific and the Chief Engineer of The Midland, extending from Lee Street, on the East, to the easterly boundary of the Canadian Northern right of way at or near Brydges Street, on the West (hereinafter referred to as the lands shown in red) for the purpose of establishing thereon such union railway station and other joint facilities, as aforesaid; and

Whereas the Grand Trunk Pacific is now engaged in erecting a union passenger station, according to plans and specifications approved by the Midland, and will hereafter, when mutually agreed on, erect a union freight depot as called for by the plan referred to in the second clause hereof; and

Whereas, in and by the said preliminary contract referred to in the first clause hereof, it was provided that a regular contract should be prepared on the basis outlined in such preliminary contract, but with such additional details as may be necessary, after The Midland had conveyed to The Grand Trunk Pacific certain lands as therein specified, and such lands have been duly conveyed accordingly.

Now this agreement witnesseth:

1. In consideration of the monthly and other payments to be made by The Midland to The Grand Trunk Pacific under this agreement, The Grand Trunk Pacific grants to The Midland upon the terms and conditions and with the limitations herein contained, and in common with The Grand Trunk Pacific, the joint use and enjoyment of the lands shown in red on the plan referred to in the second clause hereof, together with the passenger and freight depots and tracks and other facilities shown thereon in red, or which may hereafter, by agreement of the parties, be erected or constructed thereon for their joint use, which land, together with the said buildings and facilities shall be known and referred to herein as the "joint property."

2. The tracks shown in black and in yellow on said plan shall be for the exclusive use of The Midland, which shall be at the sole cost of constructing, maintaining and operating the same, including the switch connections between such exclusive tracks and the joint tracks, and including all other tracks with switch connections that may be at any time established for the exclu-

sive use of The Midland: Provided that The Grand Trunk Pacific may at any time become entitled to the joint use of such track shown in yellow on said plan on giving to The Midland notice to that effect, and on reimbursement to The Midland for one-half the cost of such track, exclusive of renewals, and thereafter the maintenance and repair of such track shall be borne on the basis of the use thereof by each of the parties: Provided further that if The Grand Trunk Pacific shall at any time desire to lay a second main track or to erect any other facilities on such joint property between the points marked "A" and "B" on said plan, it may at its own sole expense move any of such tracks shown in black on said plan between such points, except that part of the industry track between the points "C" and "D" on said plan, to a location on said joint property immediately south of the present location, such new location to be satisfactory to the Chief Engineer of The Midland, and relay and restore said tracks and all the connections thereof with other tracks on such new location, in a manner satisfactory to such Chief Engineer of The Midland; and The Grand Trunk Pacific may use as right of way for its second track or other facilities the part of such joint property from which such exclusive tracks of The Midland shall have been so removed.

3. The tracks shown in green on said plan shall be for the exclusive use of The Grand Trunk Pacific, and, together with such other tracks as may hereafter be established for the exclusive use of The Grand Trunk Pacific and the switch connections between such exclusive tracks and the joint tracks, shall be constructed, maintained, and operated at the sole expense of The Grand Trunk Pacific. Provided, that The Midland may at any time become entitled to the joint use of any of the main tracks or passing tracks shown in green on said plan, or any additional main tracks or passing tracks that may hereafter be laid on the joint property by The Grand Trunk Pacific for its exclusive use, as in Clause 4 hereof provided, on giving to The Grand Trunk Pacific notice to that effect and on payment thereafter of rental of half interest on cost as in Clause 8 provided, and on contributing to maintenance, repair, and operation, as in Clause 10 provided.

4. Neither company shall have the right to lay or construct for its exclusive use on the joint property any track, structure or building other than those shown on said plan which shall interfere with the free joint use of such joint property as herein provided. If either company shall desire to lay or construct upon the joint property any track, structure or building, or any switch connecting the joint tracks with any track which said company may have the right to build as provided in Clause 5 hereof, it shall notify the other company in writing of its desire so to do, and shall furnish with such notice a plan showing the location or description of the track, structure, building or switch which it desires to construct. The company so notified shall

have thirty days after the receipt of such written notice within which to object to the laying or construction of such track, structure, building or switch, or to consent to the laying or construction thereof, and demand that the same shall be considered and treated as joint property. In case the company so notified shall consent to the laying and construction of such track, structure, building or switch, but shall demand that the same shall be considered and treated as joint property hereunder, then such track, structure, building or switch shall be laid and constructed by The Grand Trunk Pacific and the cost thereof shall be added to capital account and after its completion The Midland shall pay rental of half interest thereon as in Clause 8 herein provided, and shall contribute for maintenance, repair, and operation as in Clause 10 provided. In case the company so notified shall object to the laying or construction of such additional track, structure, building or switch, it shall fully state in writing the grounds and reasons for such objection. If the parties hereto shall be unable, by negotiation, to agree as to such matter, then the same shall be arbitrated; but pending such negotiation or arbitration no work shall be done on the proposed track, structure, building or switch. If the company so notified shall not within thirty (30) days thereafter object to the laying or construction of such track, structure, building or switch, or in consenting thereto demand that the same shall be considered and treated as joint property, then the company so notified shall be deemed to have consented to the laying or construction of such track, structure, building or switch and to the use thereof exclusively by the party giving the notice. All tracks, structures, buildings or switches that may be constructed on the joint property hereunder for the exclusive use of either company shall be constructed, maintained and operated at the sole cost of such company.

5. Each company shall have the right to build its own tracks to or upon any property in Portage la Prairie other than the lands shown in red, and to connect such tracks with the joint tracks. Provided, however, that the tracks so built, including switch connections with the joint tracks, shall not interfere with the free and unrestricted joint use of the joint property, and shall be constructed, maintained, and operated at the sole cost of the party building the same. And provided further that the party building such tracks shall be entitled to the exclusive use thereof, but if the other party desires to have cars switched to or from said tracks, or any industries located thereon, then the party building the tracks shall perform such switching for the other party upon rates to be mutually agreed upon.

6. All additional buildings and facilities for joint use hereafter required shall, when decided upon by agreement, be constructed by The Grand Trunk Pacific, and the cost thereof borne as herein provided.

7. The maintenance, repair, and operation of the joint property shall be under the direction and control of The Grand Trunk Pacific, which shall employ and discharge all employees in connection therewith, but shall not continue in its employment any person to whom The Midland may object.

8. The Midland, as rental for the joint property, shall pay to The Grand Trunk Pacific, monthly, one-twelfth of one-half of five per cent. per annum upon the cost of the joint property, which cost shall include:

(a) The cost to The Grand Trunk Pacific of the land shown in red on said plan, which cost the parties hereto agree in stating at ninety-six thousand one and twenty one-hundredths dollars (\$96,001.20), being the amount actually disbursed by The Grand Trunk Pacific in acquiring said land.

(b) The cost of the passenger and freight stations erected or that may by agreement of the parties, be erected on the said lands.

(c) The cost of such of the tracks shown in red on said plan as may be at the date hereof constructed, the cost of any tracks shown in red on said plan not at the date hereof constructed and the cost of all joint tracks that may hereafter by agreement of the parties, be established on the said lands.

(d) The cost of all other joint facilities now or hereafter to be by agreement of the parties established on the said lands.

Such cost under (b), (c), and (d) to be satisfactorily established by The Grand Trunk Pacific, which shall afford The Midland access to its books and vouchers for the purpose of verifying same.

Provided, that The Midland, except as hereinafter provided, shall pay no interest on the cost of any interlocking plants that may be established on the said lands for the purpose of protecting the crossings of The Grand Trunk Pacific over the tracks of the Canadian Pacific and the Canadian Northern Railways.

9. In the event of The Midland failing to make any of the payments called for by the preceding clause for the period of six months after the same become due, The Grand Trunk Pacific shall have the power, on one month's notice, under its corporate seal, given to The Midland, to terminate its rights under this agreement, and in that event The Midland shall and will forfeit to The Grand Trunk Pacific all its rights under this agreement, but notwithstanding such termination The Midland shall continue liable to The Grand Trunk Pacific with respect to all payments and matters under this agreement prior to such termination.

10. The cost of the maintenance, repair and operation of the buildings, tracks and other facilities used jointly shall be apportioned between the parties as follows:

(a) Of the main tracks and passing tracks shown in red on the said plan, or such other plan as may hereafter, by agreement

of the parties, be substituted therefor, together with appurtenant facilities—on a wheelage basis.

(b) Of the team delivery and joint industry tracks—on the basis of the number of freight cars that may be placed on said tracks for each company.

(c) Of the passenger station—on the basis of the number of passenger cars arriving and departing from said station for each company.

(d) Of the freight station, including “house track”—on the basis of the number of tons of freight handled through said station for each company.

11. For the purpose of apportioning the cost of maintenance, repair and operation, as in the previous clause provided, each of the parties shall monthly render to the other before the tenth of the month:

Under (a). A statement of the number of cars or vehicles hauled in the trains or by the locomotives of the reporting company which during the preceding month passed over the main track or tracks or any portion thereof and over any passing tracks that may be used jointly and which are hereafter in this sub-clause called “joint tracks.” For the purpose of this statement the joint property shall be divided into sections by agreement between the parties, and each of said sections shall embrace such portion of the “joint tracks” as shall be customarily used in making the ordinary and necessary movements of trains or cars or vehicles in the handling of traffic upon said joint property; that is to say; one section shall embrace that portion of the “joint tracks” from the connection switch east of Main Street to the connection switch of the freight house track on the east side of Campbell Street; the second section shall embrace that portion of the “joint tracks” between the said connection switch at the east side of Campbell Street and the east side of Ottawa Street. Other additional sections may from time to time be mutually agreed upon if desirable. Said statement shall show the number of cars or vehicles hauled in the trains or by locomotives of the reporting company passing over each of such sections. Each car or vehicle shall be counted every time it passes over all or any portion of the “joint tracks” in each section, except that no record shall be taken of any empty car or vehicle entering the joint property or any section thereof for the purpose of taking up passengers or leaving the joint property or any section thereof after discharging passengers; nor shall any record be taken of any locomotive hauling any trains, cars or vehicles.

Under (b). A statement showing separately the number of freight cars that may be placed upon team delivery track or tracks and upon any joint spur track or tracks on account of the reporting company.

Under (c). A statement showing the number of cars or vehicles in every train operated by the reporting company which

arrives at and departs from the passenger station in the ordinary course of its passenger traffic and business; each car or vehicle to be counted once on entering and once on leaving the joint property, except that no record shall be taken of any empty car or vehicle entering the joint property for the purpose of taking up passengers or leaving the joint property after discharging passengers.

Under (d). A statement of the number of tons of freight handled through the freight station on its account.

For the purpose of the several statements required by this clause to be prepared and rendered by each party, foreign cars or vehicles shall be counted and reported by the company handling them in the same manner as if they were owned by the handling company.

The proportion of the expense to be borne by the parties as above stated shall be ascertained for each calendar month, and the share payable by The Midland shall be paid to The Grand Trunk Pacific within thirty (30) days after the receipt of a statement of account from The Grand Trunk Pacific; except that this time shall be extended as to any disputed items of any statement when necessary to secure correction or adjustment of such disputed items.

12. Should The Midland make default in any monthly payment as in the preceding clause provided, and should such default continue for thirty (30) days, The Grand Trunk Pacific may, after fifteen (15) days written notice and during the continuance of such default, exclude The Midland from such use of the joint property or any part thereof as it may deem advisable. In addition The Midland shall be charged with interest at the rate of five per cent. per annum upon the amount in default while such default shall continue.

13. Each of the parties hereto shall pay one-half of all municipal taxes that may be assessed against the joint property.

14. Each party shall do its own local switching at Portage la Prairie unless and until the parties agree for one of them to do all the local switching and upon the rates to be charged the other company therefor.

15. The Grand Trunk Pacific shall maintain and keep in good condition and repair the joint property, but no claim, demand or cause of action shall accrue to The Midland against The Grand Trunk Pacific by reason of any defects in the joint property or any part thereof or by reason of the failure or neglect of The Grand Trunk Pacific to maintain and keep in good condition or repair the same, or in respect of any loss, damage or injury arising from such defects, failure or neglect. In case The Grand Trunk Pacific shall fail or refuse upon the reasonable demand of The Midland to make needed repairs to the joint property or any part thereof within a reasonable time, The Midland may make such repairs and the cost thereof shall be paid by The Grand Trunk Pacific and included in the cost of

maintenance and operation, and divided between the parties hereto as provided in Clause 10 hereof.

16. The Grand Trunk Pacific shall, within a reasonable time after any building or other facility on the joint property shall be destroyed or damaged by fire or other casualty, cause the same to be rebuilt or restored to the same general character as before, unless the parties mutually agree upon the abandonment of the building or facility or the rebuilding thereof on an improved plan and to a general better condition. The cost of rebuilding or restoring such building or facility on the original plan over and above the amount of any insurance received on account of the destruction thereof shall be treated as an expense of maintenance and repair and apportioned between the companies on the same basis as the cost of maintaining, repairing and operating such building or facility has been apportioned during the preceding twelve months. When any building or facility that may have been destroyed as above provided shall be abandoned as above provided and not rebuilt, the amount of the insurance received in respect of such building or facility shall be deducted from capital account and the amount of interest payable as rental as in Clause 8 provided shall be correspondingly reduced. When by mutual agreement any building or facility that may have been so destroyed or damaged shall be rebuilt or restored on an improved plan and to a better general condition the excess cost of the new or improved building or facility over the original cost of the building or facility destroyed or damaged shall be added to capital account, upon which rental of half-interest shall be payable as in Clause 8 provided; the difference between said original cost and the insurance received in respect of such building or facility being treated as cost of maintenance, repair and operation, divided between the companies, as above in this clause provided.

17. It is the intention of The Grand Trunk Pacific to insure and keep insured in the usual way against loss by fire, the buildings and improvements upon the joint property for such amounts from time to time as will reasonably protect the same against loss, and the amount paid by The Grand Trunk Pacific for such insurance shall be considered as an operating expense and apportioned between the parties hereto in accordance with clause 10 hereof. Any moneys received from such insurance shall be applied in rebuilding or restoring the property destroyed or damaged, unless the parties hereto otherwise decide; and it is expressly agreed that no liability of any kind shall rest upon The Grand Trunk Pacific because the said intention to insure and keep insured is not carried out, whether by reason of negligence or omission on the part of The Grand Trunk Pacific or its employees, or by reason of breach of conditions of any policy or contract of insurance which would avoid the same or give to the insurance company a defence to any action upon the policy or contract.

18. All employees exclusively engaged on joint account in and about the maintenance, repair and operation of the joint property shall be deemed common employees of the parties hereto.

Employees occasionally engaged on joint account in and about the maintenance, repair and operation of the joint property shall, while so engaged, be deemed common employees of the parties hereto.

All common employees shall be hired and discharged by The Grand Trunk Pacific, and no person in the employ of The Grand Trunk Pacific shall be for any purpose deemed a common employee of both parties except as hereinabove expressly provided.

19. All loss, damage or injury occurring upon the joint property, whether to property of either of the parties or to property in its custody, or to its employees or passengers, or to the joint property, or to common agents or employees, and generally all loss and damage of whatever description by whomsoever sustained within the limits of the joint property, caused by the negligence of either of the parties, or its exclusive employees (not common agents or employees) shall be assumed and borne by the company guilty of such negligence, but this clause shall not give to any third persons any claim or cause of action which they otherwise would not have had.

20. In the case of loss, damage or injury, as referred to in the preceding clause, which has been caused by the negligence of a common agent or employee, the amount thereof shall be charged to and paid as part of operating expenses for the month in which such loss, damage or injury happened or was adjusted, but this clause shall not give any third parties any claim or cause of action which they would not otherwise have.

21. In case of any collision between the trains or cars of the parties hereto upon the joint property caused by the joint fault of the employees of both parties, each party shall assume and bear all the loss and cost arising out of personal injuries to its own employees, to passengers on its trains, and to its own property and property in its custody.

22. The parties shall respectively assume and bear all loss, damage and injury caused or suffered by them respectively, and not coming under clauses 19, 20 and 21.

23. In case of any wreck occurring within the limits of the joint property, the expense of removing the same and of repairs to the joint property necessitated thereby, shall be borne on the same principles and in the same manner as determined by clauses 19, 20, 21 and 22.

24. In case proceedings be commenced against either one of the parties for damage which the other agrees herein to assume, the party proceeded against may give notice thereof to the other, and thereupon the last named party shall assume the defence of said proceedings and save the party proceeded against harmless from all loss or cost.

25. In the event of The Midland or any other company controlled by the Great Northern Railway Company, and having the right to operate trains in Portage la Prairie, desire hereafter to run its trains from Portage la Prairie, westward from the easterly boundary of the right of way of the Canadian Northern Railway at or near Brydges Street, or eastward from Lee Street to a point beyond the crossing of the tracks of the Canadian Northern Railway, The Grand Trunk Pacific shall grant to The Midland, or such other company, the right to run its trains over the tracks of The Grand Trunk Pacific from the easterly line of the right of way of the Canadian Northern Railway westward, and from Lee Street eastward to points where The Midland may reasonably be expected to acquire its own right of way upon which to locate its own tracks, and as rental for the use of the tracks of The Grand Trunk Pacific, as in this clause provided, The Midland shall pay to The Grand Trunk Pacific:

(a) Monthly, one-twelfth of one-half of five per cent per annum upon the cost of the right of way, tracks and facilities west of the easterly boundary of the Canadian Northern right of way at or near Brydges Street, and east of Lee Street, so to be used jointly, including the cost of crossings over the tracks of the Canadian Pacific and Canadian Northern Railway companies, and of all interlocking plants or other facilities protecting such crossings.

(b) One-half of any taxes that may be assessed against the right of way, tracks and property in this clause referred to.

(c) The cost of maintenance, operation and repair of the tracks and facilities in this clause referred to, including the cost of operating, maintaining and repairing the interlocking plants on the basis of wheel mileage; and The Midland in respect of the said tracks and facilities shall render to The Grand Trunk Pacific appropriate monthly accounts, as called for by clause 11 hereof.

26. The right of way, tracks and other facilities in the preceding clause referred to, shall be considered part of the "joint" property, as hereinbefore defined, and shall, as such, in addition to the payments called for by the preceding clause, be subject to all the incidents of this agreement.

27. Except as hereinafter provided, The Midland shall not, without the written consent of The Grand Trunk Pacific, assign or transfer any rights or interests under this agreement or give or assume to give any other company or person any rights or interests upon or in respect of joint property or any part thereof; and any assignment, transfer or other instrument contrary to the provisions of this clause shall be void and of no effect. The Midland shall have the right, however, to assign or transfer this agreement and all its rights and interests thereunder, to any other company incorporated under the laws of the Dominion of Canada or of the Province of Manitoba, and controlled by the Great Northern Railway Company. An amalgamation by The

Midland with any other company shall not be deemed an assignment or transfer contrary to this clause, and the amalgamated company as successors by amalgamation shall possess all the rights of its predecessors under this agreement; nor shall anything herein contained be construed to confine The Midland to the operation of lines at present chartered, leased or operated by it.

No person or corporation other than the parties hereto, shall be admitted to the use of the joint property as the same is now or may hereafter be established, without the consent of both parties hereto, and upon such terms and conditions as both parties may approve.

28. Any dispute which may arise as to the meaning or construction of this agreement, or as to the performance of any of the obligations of either of the parties to this agreement, and generally any question arising between the parties incident to the construction or operation of this agreement, shall be determined by the award of a single arbitrator, if the parties concur in his appointment, or if not, by the award of three arbitrators, one of whom shall be appointed by The Grand Trunk Pacific, one by The Midland, and the third by the two so appointed, or in case of their failure to agree, by one of the Judges of the Court of King's Bench for Manitoba, and the award of a majority of such three arbitrators shall be final. In the event of either of the parties failing for thirty days to appoint an arbitrator after being duly notified in writing to do so, the party giving such notice may apply to one of the Judges of the Court of King's Bench for Manitoba for the appointment of a single arbitrator whose award shall be final.

29. This agreement shall take effect on and from the first day of July, 1908, and unless sooner determined under the terms hereof this agreement shall continue in force for nine hundred and ninety-nine years from that date.

30. Wherever The Grand Trunk Pacific or The Midland is mentioned or referred to in this agreement, such mention or reference shall extend to and include the respective successors and assigns of the said parties.

31. If, in order to assure the use and enjoyment of the joint property by The Midland for the full term of this agreement as in Clause 29 provided, it is necessary to secure the sanction, or approval, of same by the Parliament of the Dominion of Canada, The Grand Trunk Pacific will secure such approval or sanction at the joint expense of the two companies, as the major portion of the land comprised in the joint property was originally acquired by The Midland and, at the request of The Grand Trunk Pacific, transferred to it.

In witness whereof: This agreement has been duly executed by the parties.

THE GRAND TRUNK PACIFIC RAILWAY
COMPANY,

[SEAL]

By Frank W. Morse
Vice-President & Gen'l Mgr.
Henry Philips
Secretary.

THE MIDLAND RAILWAY OF MANITOBA,

[SEAL]

By James Fisher
President.
W. C. Hamilton
Secretary.

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to
the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 86.

An Act respecting the Grand Trunk Pacific Branch Lines Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1906, c. 99; by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 11 of chapter 99 of the statutes of 1906, incorporating the Grand Trunk Pacific Branch Lines Company, herein-^{s. 11} amended. after called "the Company," is hereby amended by adding thereto the following paragraphs:—

"19. From a point on the main line of the Grand Trunk Pacific Railway west of Pembina Crossing, in the province of Alberta, thence running southwesterly to a point at or near the Embarras River, and thence in a southerly direction towards the headwaters of the Little Pembina River, a distance of about one hundred miles;

"20. From a point, on the line described in the paragraph numbered 19, in the vicinity of the Embarras River thence in a southwesterly direction to a point at or near the McLeod River, a distance of about twenty-five miles;

"21. From a point on the Company's authorized line between Calgary and Coutts and running southwesterly to McLeod, thence through or in the vicinity of Pincher Creek to the western boundary of the province of Alberta, a distance of about one hundred miles;

"22. From a point on the Company's authorized line at or near Regina, province of Saskatchewan, thence westerly to Moosejaw, a distance of about forty-five miles;"

S. 11 further amended.

Division of lines into sections.

S. 11 further amended.

Error in description corrected.

Issue of securities.

Time for construction of railways extended.

Repeal.

2. Sub-paragraph (c) of paragraph 17 of the said section 11 is amended by striking out the words and figures "and 14 inclusive" in the second line thereof and substituting therefor the word and figures "14, 19, 20, 21 and 22."

3. Paragraph 11 of the said section 11 is amended by striking out the figure "7" in the second line thereof and substituting "6" therefor; and paragraph 15 of the said section 11 is amended by striking out the figures "122nd" in the third line thereof and substituting "119th" therefor.

4. The Company may issue bonds, debentures or other securities in respect of the said hereinbefore mentioned lines of railway to the extent of thirty thousand dollars per mile; and, except as herein otherwise provided, all the provisions of sections 12, 22 and 33 of the said Act shall apply to such bonds, debentures or other securities.

5. The Company may commence the construction of the lines of railway authorized by section 11 of chapter 99 of the statutes of 1906 and by this Act, within two years after the passing of this Act, and may complete the said lines of railway and put them in operation within five years after the passing of this Act; and if the said lines of railway are not so commenced, or if the said lines of railway are not completed and put in operation within the said periods, respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

6. Section 35 of the said Act, and chapter 115 of the statutes of 1908, are hereby repealed.

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8-9 EDWARD VII.

CHAP. 87.

An Act respecting the Grand Trunk Railway Company of Canada.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Grand Trunk Act, 1909.* Short title.
2. The expression "the Company," when used in this Act, "Company" means the Grand Trunk Railway Company of Canada. defined.
3. The Company may, in addition to the several amounts of Grand Trunk Consolidated Debenture Stock mentioned in and authorized by *The Grand Trunk Act, 1897*, and the several Acts referred to in section 5 of that Act, borrow and raise, for the general purposes of the Company as hereinafter provided, by the creation and issue of perpetual consolidated debenture stock to be called "Grand Trunk Consolidated Debenture Stock," bearing interest at a rate not exceeding four per cent per annum, such sum as the proprietors of the Company entitled to vote, in general meeting assembled, shall from time to time determine: Provided always, that the aggregate amount of the annual interest on such debenture stock to be issued under this Act shall not exceed one hundred thousand pounds sterling. Power to issue perpetual consolidated debenture stock.
4. The said debenture stock by this Act authorized shall rank equally and be consolidated with the debenture stock issued or to be issued as Grand Trunk Consolidated Debenture Stock under any Act now in force, and shall be subject to all conditions.

tions and provisions applicable thereto, including those respecting the manner, time and place of paying interest thereon, and the voting power of the holders thereof.

Power to issue guaranteed stock.

5. The Company may from time to time create and issue additional Grand Trunk Four Per Cent Guaranteed Stock, and may apply such stock, or the proceeds thereof, to the general purposes of the Company as hereinafter provided: Provided always, that the total amount of Grand Trunk Four Per Cent Guaranteed Stock issued by the Company, including that issued under the provisions of *The Grand Trunk Railway Act, 1884*, and of *The Grand Trunk Railway Act, 1903*, shall not at any time exceed in the aggregate the sum of twelve million five hundred thousand pounds sterling.

Ranking.

6. The Grand Trunk Four Per Cent Guaranteed Stock hereby authorized to be issued shall rank in all respects *pari passu* with that created and issued under the provisions of *The Grand Trunk Railway Act, 1884*, and of *The Grand Trunk Railway Act, 1903*, and dividends in respect thereof shall be payable half-yearly on the same dates as those fixed for the payment of dividends on the stock issued under the authority of the said respective Acts.

Dividends.

7. The holders of the Grand Trunk Four Per Cent Guaranteed Stock hereby authorized to be issued shall have and enjoy similar rights and privileges as to voting and otherwise as those conferred upon the holders of the Grand Trunk Four Per Cent Guaranteed Stock created and issued under the provisions of the said Acts of 1884 and 1903, respectively.

Statement as to application of proceeds of stock.

8. The Company shall, from time to time, as may be requested, render to the Government statements of the application of the proceeds of the additional stock by this Act authorized, which shall be used for the reduction of grades and in other improvements to the road-bed, double tracking portions of the Company's lines, the substitution of stronger bridges for those now in use, improvements and additions to rolling stock, extensions of the present workshops of the Company and the erection of new ones, increasing elevator and siding accommodation and terminal facilities, and in providing such additional means and facilities to meet the growing requirements of the traffic and business of the Company in any and all respects as, in the opinion of the directors, is requisite.

Commencement of Act.

9. The provisions of this Act shall not take effect unless and until the Act has been submitted to a general meeting of the Company, to be held after due notice of its intended submission to such meeting has been given, and has been assented to and

accepted by a majority of the votes of the persons present or represented by proxy and entitled to vote thereat.

2. The certificate in writing of the chairman of such meeting ^{Certificate of} chairman. shall be sufficient evidence of the acceptance of this Act; and such certificate shall be filed in the office of the Secretary of State of Canada, and notice thereof shall be published by the Company in *The Canada Gazette* and copies of such certificate, certified by the said Secretary of State, shall be taken and accepted in all courts of law as sufficient evidence of such acceptance.

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8-9 EDWARD VII.

CHAP. 88.

An Act respecting certain letters patent of Franklin Montgomery Gray.

[Assented to 19th May, 1909.]

WHEREAS Franklin Montgomery Gray has by his petition Preamble. represented that he is the holder of letters patent under the seal of the Patent Office for the Dominion of Canada, issued and dated 28th October, 1902, and numbered 77,989, and re-issued and dated 2nd June, 1903, and numbered 81,207, for improvements in the process of converting wood and other cellulose material into dextrose sugar and alcohol; and whereas by the said petition he has prayed that it be enacted as herein-after set out, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything in *The Patent Act* or in the letters patent referred to in the preamble hereof, the Commissioner of Patents may receive from the said Franklin Montgomery Gray an application for a certificate of payment and the usual fees upon the said letters patent for the remainder of the term of eighteen years from the date thereof; and may grant and issue to the said Franklin Montgomery Gray the certificate of payment of further fees as provided by *The Patent Act* and an extension of the period of duration of the said letters patent to the full term of eighteen years, in as full and ample a manner as if the application therefor had been duly made within six years from the date of the issue of the said letters patent.

2. If any person other than a licensee or person authorized in writing by the said Franklin Montgomery Gray has, in the period between 28th October, 1908, and the date of the passing of this Act, commenced to manufacture, use or sell, in Canada,

any of the inventions covered by the said letters patent or either of them, such person may continue to manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to any person who, without the consent of the holder of the said letters patent, has commenced the use, construction or manufacture of such invention before the expiry of the said letters patent.

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8-9 EDWARD VII.

CHAP. 89.

An Act to incorporate the Great West Permanent Loan Company.

[Assented to 19th May, 1909.]

WHEREAS the Great West Permanent Loan and Savings Preamble. Company has by its petition represented that it is incorporated under "The Manitoba Building Societies Act," R.S., Man., 1891, c. 14 chapter 14 of the Revised Statutes of Manitoba, 1891, and has prayed that it be enacted as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The shareholders of the said "The Great West Permanent Loan and Savings Company," hereinafter called "the old Company," together with such persons as become shareholders in the company hereby incorporated, are incorporated under the name of "The Great West Permanent Loan Company," hereinafter called "the new Company." Incorporation of new Company. Corporate name.

2. The capital stock of the new Company shall be five million dollars of permanent stock divided into shares of one hundred dollars each. Capital and shares.

3. The shareholders of the old Company are declared to be holders respectively of shares in the new Company to the same extent, and with the same amounts paid up thereon, as they are holders respectively of shares in the old Company. Shares in old Company converted.

4. The president, vice-president and directors of the old Company shall respectively be the president, vice-president and directors of the new Company until their successors are elected. Officers.

By-laws.

5. The by-laws, rules and regulations of the old Company lawfully enacted shall be the by-laws, rules and regulations of the new Company, subject to repeal, amendment or other change lawfully made.

Liability for obligations of old Company.

6. The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto, and to the collection and enforcement thereof, from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders.

Existing rights preserved.

7. Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company, its directors or shareholders, or shall relieve the old Company, its directors or shareholders, from the performance of any debt, liability, obligation, contract or duty.

Acquisition of old Company's assets.

8. The new Company may acquire all the assets, rights, credits, effects, and property, real, personal, and mixed, of whatever kind and wheresoever situate, belonging to the old Company or to which it is or may be, or become entitled, and a conveyance or assignment thereof, in the form of the schedule to this Act, or to the like effect, shall be sufficient.

Securities for investments.

9. The new Company may lend money on the security of, or purchase or invest in,—

(a) mortgages or hypothecs upon freehold or leasehold real estate, or other immovables;

(b) the debentures, bonds, stocks and other securities of any government or any municipal corporation or school corporation, or of any chartered bank (to the extent of not more than twenty per cent of the paid-up capital stock of any such bank); provided that the new Company shall not lend upon the security of, or purchase or invest in bills of exchange or promissory notes; and provided also that the new Company shall not invest in nor loan money upon the security of the stock of any other loan company, except as hereinafter authorized.

Proviso.

2. The new Company may take personal security as collateral for any advance made, or to be made, or contracted to be made by or for any debt due to the new Company.

Personal security.

10. The new Company may act as an agency association for the interest and on behalf of others who entrust it with

money for that purpose, and may, either in the name of the new Company or of such others, loan and advance money to any person, or municipal or other authority, or any board or body of trustees or commissioners, upon such securities as are mentioned in the next preceding section, and may purchase and acquire any securities on which they are authorized to advance money and again re-sell the same.

2. The conditions and terms of such loan and advances, and of such purchases and re-sales, may be enforced by the new Company for its benefit, and for the benefit of the person or corporation, for whom such money has been lent and advanced, or such purchase and re-sale made; and the new Company shall have the same power in respect of such loans, advances, purchases and sales, as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

3. The new company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the new Company for investment.

4. The new Company may, for every or any of the foregoing purposes, lay out and employ the capital and property, for the time being, of the new Company, or any part of the moneys authorized to be raised by the new Company in addition to its capital for the time being, or any moneys so entrusted to it as aforesaid, and may do, assent to and exercise all acts whatsoever, which, in the opinion of the directors of the new Company, are requisite or expedient to be done in regard thereto.

5. All moneys, of which the repayment of the principal or payment of interest is guaranteed by the new Company, shall, for the purposes of this Act, be deemed to be money borrowed by the new Company.

11. The new Company may liquidate, and carry on for the purposes of such liquidation, the business of any other company carrying on any business which the new Company is authorized to carry on, upon such terms as are agreed upon.

12. The new Company may, subject to any limitations or prohibitions imposed by its by-laws, lend upon its own paid-up stock to an amount not exceeding in the aggregate of all such loans ten per cent of the new Company's paid-up stock, but no such loan shall exceed sixty per cent of the par value, or the then current market value, of such stock, whichever value is the smaller. The amount of such advances shall be deducted from the amount of the paid-up capital upon which the new Company is authorized to borrow.

13. The new Company may borrow money, and receive money on deposit, upon such terms as to interest, security, and otherwise as are agreed on, and may issue its bonds, debentures

Limitation.

tures and other securities for money borrowed; provided always that the total of the new Company's liabilities to the public outstanding from time to time, shall not exceed four times the aggregate amount of the then actually paid-up and unimpaired capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid-up and unimpaired capital and of its cash actually in hand or deposited in any chartered bank in Canada and belonging to the new Company.

Liabilities
of old
Company
included.

14. The liabilities of the old Company assumed by the new Company shall form a part of the total liabilities of the new Company to the public for the purposes of the last preceding section, but the amount of cash on hand or deposited in chartered banks and belonging to the new Company shall be deducted from such total liabilities for the purposes of the said section.

Limitation
to holding
real estate.

15. So long as the new Company is indebted for money received upon deposit, its total assets over and above the value of its real estate and its mortgages or hypothecs upon freehold leasehold real estate or immovables shall be equal to at least twenty per cent of its indebtedness in respect of such money.

Directors.

16. The affairs of the new Company shall be managed by a board of not less than seven directors, who may pay all the expenses incurred in organizing and incorporating the new Company, and may affix the seal of the new Company, and may make or cause to be made for the new Company any description of contract, which the new Company may, by law, enter into, and may exercise all such powers of the new Company, as are not by this Act required to be exercised by the new Company in general meeting, and the directors may from time to time among other things, also exercise the following powers, the same being specifically referred to for greater certainty, but not so as to restrict the generality of the foregoing terms of this section,—

(a) issue debentures, bonds, deposit receipts and stock and regulate the allotment of stock, the making of calls, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock;

(b) declare and pay dividends;

(c) delegate any of their powers to committees consisting of such member or members of their body as they think fit, and any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the directors;

(d) appoint and remove all agents, officers and servants of the new Company, and provide for and determine their functions

and duties, the security to be given by them to the new Company and their remuneration;

(e) determine the time and place for the holding of all meetings of the new Company, the calling of all meetings of the board of directors and of the new Company, the quorum at meetings of directors and of the new Company, and the procedure in all things at such meetings;

(f) provide for the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law;

(g) conduct in all other particulars the affairs of the new Company;

(h) make by-laws for the regulation of the business of the new Company, its officers, agents and servants, or the members of the new Company;

(i) determine, subject to the provisions of this section, the number of directors, the term of service, the amount of their stock qualification, and their remuneration, if any.

17. The head office of the new Company shall be at the ^{Head office.} city of Winnipeg in the province of Manitoba, or in such other place in Canada as the directors may from time to time determine by a by-law confirmed at a special general meeting of the new Company duly called for the purpose of considering it.

2. Notice of any change of the head office shall be published ^{Notice of change.} in at least one issue of *The Canada Gazette*.

3. The Company may establish branch offices and agencies ^{Agencies.} anywhere in Canada.

18. The directors of the new Company may, with the consent of the shareholders, at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, and upon such terms and bearing such rate of interest, as the directors from time to time think proper, but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the new Company, and shall be included in estimating the new Company's liabilities to the public, under section thirteen of this Act, and such debenture stock shall rank equally with such ordinary debenture and deposit debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or the holders of ordinary debentures of the new Company.

19. The debenture stock aforesaid shall be entered by the new Company in a register to be kept for that purpose in the head office of the new Company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine.

determine. The said register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture-stockholder and shareholder of the new Company, without the payment of any fee or charge.

Transfer of
debenture
stock.

20. All transfers of debenture stock of the new Company shall be registered at the head office of the new Company, and not elsewhere, but the said transfers may be left with such agent or agents in the United Kingdom as the new Company appoints for that purpose, for transmission to the new Company's head office for registration.

Exchange of
ordinary
debentures.

21. The holders of the ordinary debentures of the new Company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

Cancellation
of debenture
stock.

22. The new Company, having issued debenture stock, may, from time to time, as it thinks fit, and for the interest of the new Company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Preference
stock.

23. The directors of the new Company may make a by-law for creating and issuing any part of the capital stock as preference stock, giving it such preference and priority as respects dividends and otherwise over ordinary stock as is declared by the by-law.

Holders may
select
directors.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give the said holders such control over the affairs of the new Company as may be considered expedient.

By-law to be
sanctioned.

3. No such by-law shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the new Company duly called for the purpose of considering the said by-law, such shareholders holding not less than two-thirds of the amount paid up upon the capital stock of the new Company.

Preference
stock
holders to
have rights
of
shareholders.

4. Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act; provided however that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Rights of
creditors
saved.

5. Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the new Company.

24. The new Company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed establishing such agency shall not be altered or repealed excepting by a vote of the shareholders present or represented by proxy at a special meeting to be called for that purpose, and holding not less than two-thirds of the issued capital stock of the new Company represented at such meeting; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland or Ireland where the new Company has an agency.

25. The new Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of the new Company may be subject; and the receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the new Company shall, from time to time, be sufficient discharge to the new Company for the payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the new Company has had notice of such trust; and the new Company shall not be bound to see to the application of the money paid upon such receipt.

26. The directors, at any time after the whole of the capital stock of the new Company has been subscribed and fifty per cent thereof paid up, but not sooner, may, from time to time, by by-law, provide for the increase of the capital stock of the new Company to any amount not exceeding ten million dollars which they consider requisite.

27. No by-law for increasing the capital stock of the new Company shall have any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the new Company duly called for considering such by-law, such shareholders holding not less than two-thirds of the amount paid up upon the capital stock of the new Company, represented at such meeting, and provided that such by-law has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board.

28. Upon application to the Minister of Finance for a certificate confirming such by-law, the new Company shall satisfy him of the *bona fide* character of the increase of capital thereby provided for, and unless it appears that the granting of such certificate would not be in the public interest, the Minister,

with the approval of the Treasury Board, may grant the same; provided that, with the consent of the directors, the amount of such increase of capital may, by the said certificate, be changed, and the increase made subject to such conditions as the Treasury Board thinks proper.

Reserve fund.

29. The directors may set aside out of the profits of the new Company such sums as they think proper as a reserve fund to meet contingencies or for equalizing dividends, or for repairing, improving and maintaining any of the property of the new Company, and for such other purposes as the directors shall, in their discretion, think conducive to the interests of the new Company, and may invest the several sums so set aside upon such investments (other than shares of the new Company) as they think fit, and may from time to time deal with and vary such investments and dispose thereof for the benefit of the new Company, and may divide the reserve fund into such special funds as they think fit, and may employ the assets constituting the reserve fund, in the business of the new Company, and that, without being bound to keep them separate from the other assets; provided that the investment of the reserve fund shall be subject to the limitations contained in section 9 of this Act.

Business outside of Canada.

30. The new Company may, in general meeting of its shareholders duly called for the purpose, pass a by-law authorizing its directors to extend the business of the new Company outside of Canada, and the directors may give effect to such by-law without being liable for any breach of trust in so doing.

Office buildings.

2. If, as provided in subsection 1 hereof, the new Company carries on business outside of Canada, the new Company may, in general meeting of the shareholders, duly called for that purpose, pass a by-law authorizing the directors to invest the money of the new Company in the erection or purchase of buildings required for the occupation of the new Company in any place where the new Company is so carrying on business.

Power to acquire other companies.

31. The new Company may purchase the entire assets and acquire and undertake the whole or any part of the business, property and liabilities and the name and good-will of any other company or companies within the legislative power of the Parliament of Canada carrying on any business which the new Company is authorized to carry on, and pay therefor in cash or in stock either fully paid up, or partly paid up, or partly in cash and partly in stock, either fully paid up or partly paid up, or in any other manner; and any of the said companies, whose assets the new Company desires to purchase, are hereby authorized to sell and transfer their respective assets, business, property, name and good-will, and the new Com-

pany and any of such companies may enter into all agreements of purchase and sale, and execute all conveyances and assignments, and do all other acts necessary or convenient for the purposes of such purchase and sale; provided always that specified assets may be excepted from any such purchase and sale: Provided further that no such agreement shall become operative and effective until it has been submitted to and approved by the Treasury Board.

32. In case any company, whose assets are acquired by the new Company, has issued debenture stock, and such debenture stock is outstanding at the date of the acquisition aforesaid, the directors of the new Company may, if and when they think fit, and either with or without the sanction of the shareholders, issue debenture stock to the extent of the nominal value of the debenture stock of such other company outstanding as aforesaid, and may, with the consent of any holder of debenture stock in such other company, give to him, in lieu of the debenture stock held by him, debenture stock of the new Company on such terms as may be agreed upon.

33. In the case of any partly paid up stock issued by the new Company as the consideration in whole or in part of the purchase by the new Company of the assets of any other company, the stock remaining unpaid may be made payable at such time or times as may be agreed upon under section 31 of this Act.

34. The directors of the new Company may adopt and carry into effect agreements with any other companies, as provided in section 31 hereof, provided that such agreement has been ratified and confirmed by a vote of the shareholders of each of the companies parties to such agreements present or represented by proxy at a meeting of the shareholders of each such company duly called for the purpose, and holding not less than two-thirds of the amount paid up upon the capital stock of such company represented at such meeting.

35. If the interest of any person in any share in the capital stock, or debenture stock, or in any bond, debenture or obligation of the new Company (such bond, debenture or obligation not being payable to the bearer), is transmitted in consequence of the death, bankruptcy, or insolvency of such holder, or by any other lawful means other than a transfer upon the books of the new Company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the new Company, or to recognize such transmission in any manner until a declaration in writing, showing the nature of such transmission, and signed and executed by the person claiming by virtue of such transmission, and also

executed by the former shareholder, if living, and having power to execute it has been filed with the manager or secretary of the new Company and approved by the directors, and if the declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a notary public, or of a judge of a court of record, or of a mayor of any city, town or borough or other place, or a British consul or vice-consul or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the new Company.

Requirement
in case of
transmission
by will or
intestacy.

36. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy, the probate of the will or letters of administration or testamentary document, or other judicial or official instrument under which the title, (whether beneficial or as trustee) or the administration or control of the personal estate of the deceased shall purport to be granted by any court or authority in Canada, or in Great Britain or Ireland, or any other of His Majesty's dominions, or in any foreign country, or an authenticated copy thereof or official extract therefrom shall, together with the declaration mentioned in section 35 of this Act, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving it, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or transferring or consenting to the transfer of any bond, debenture, obligation or share, in pursuance of, and in conformity to, such probate, letters of administration or such other document as aforesaid.

Directors
may apply
to court in
cases of
doubt.

37. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such shares, bonds, debentures, obligations, dividends or coupons, or the proceeds thereof, then and in such case the directors may file in any court of competent jurisdiction in the province in which the head office of the Company is situated, a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons, or proceeds to the parties legally entitled thereto, and such court shall have authority to restrain any action, suit or proceedings against the new Company, and the directors and officers thereof for the same subject matter, pending the determination of the petition; and the new Company and the directors and officers thereof, shall be fully pro-
tected

tected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which have been in question in such petition, and the proceedings thereupon, provided that if the court adjudges that such doubts were reasonable, the costs, charges and expenses of the new Company, in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds, and shall be paid to the new Company before the directors shall be obliged to transfer, or assent to the transfer of, or to pay such shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties found entitled thereto.

38. No parcel of land, or interest therein, at any time acquired by the new Company and not required for its actual use and occupation, or not held by way of security, shall be held by the new Company, or by any trustee on its behalf, for a longer period than ten years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the new Company shall no longer retain any interest therein unless by way of security; and any such parcel of land and any interest therein not within the exceptions hereinbefore mentioned, which has been held by the new Company for a longer period than ten years without being disposed of shall be forfeited to the Crown; provided that the period during which the old Company has held any such lands shall be reckoned in the said period of ten years; provided, also, that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years; provided further, that no such forfeiture shall take effect or be enforced until the expiration of at least six months after notice in writing to the new Company of the intention of the Crown to claim such forfeiture, and it shall be the duty of the new Company to give the Minister of Finance, when required, a full and correct statement of all lands at the date of such statement held by the new Company, or in trust for the new Company, and subject to these provisions.

39. The new Company shall transmit, on or before the first of March in each year, to the Minister of Finance, a statement in duplicate, to the thirty-first of December inclusive of the previous year, verified by the oath of the president or vice-president and the manager or secretary, setting out the capital stock of the new Company and the proportion thereof paid up, the assets and liabilities of the new Company and amount and nature of the investments made by the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the Minister of Finance requires, and in

Term for
which land
may be held.

Forfeiture.

Extension
of term.

Notice of
enforcing
forfeiture.

Annual
statement.

such form and with such details as he, from time to time, requires and prescribes; but the new Company shall, in no case, be bound to disclose the name or private affairs of any person, who has dealings with it.

Penalty for default.

2. If the Company for the space of one month neglects or refuses to comply with the written request of the Minister of Finance to make the statement to him required by this section, the Company shall incur a penalty not exceeding twenty dollars for every day during which such default continues, and every director and officer of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

Application of R.S., c. 79. **40.** Sections 125, 131, 134, 135, 136, 137, 141, 158, 159, 161, 165 and 167 of *The Companies Act* shall not apply to the new Company.

Provision for bringing this Act into force.

41. This Act shall not take effect unless and until, at an annual or a special general meeting of the shareholders of the old Company duly called for the purpose of considering the same or any adjournment of such meeting, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by the shareholders present or represented by proxy at such meeting, and holding not less than seventy-five per cent of the subscribed capital stock of the new Company represented at such meeting; and due notice of such annual or special general meeting, although given prior to the passing of this Act, shall be sufficient; and a certified copy of such resolution shall, within fifteen days from the passing thereof, be transmitted to the secretary of State, and shall be by him published in *The Canada Gazette*; and upon such resolution being passed this Act shall take effect and speak from the time or event fixed by such resolution:

Proviso as to organization, etc. Provided always, that, prior to the time or event so fixed, the board of directors of the new Company may pass the necessary by-laws for the organization and working of the Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 8 of this Act, and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the Company in any province of Canada. It is further provided that immediately after the annual or the special general meeting of the shareholders of the old Company at which this Act is accepted and approved, the shareholders of the new Company may meet in the same place to pass by-laws for the organization and working of the new Company, also to authorize the creation and issue of debentures under the provisions of this Act, and for the transaction of any other special business of which sufficient notice has been given notwithstanding the fact that such notice may have been given to such shareholders as shareholders of the old Company and prior to the passing of this Act.

SCHEDULE.

This indenture made the _____ day of _____ A.D. 1909—, between The Great West Permanent Loan and Savings Company, of the first part, hereinafter called the old Company, and The Great West Permanent Loan Company, of the second part, hereinafter called the new Company.

Whereas the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being chapter _____ of the statutes of Canada of 1909, intituled "An Act to incorporate the Great West Permanent Loan Company," and by the resolution of the shareholders duly passed in that behalf, the _____ day of _____ (or the execution hereof, *as the case may be*) was fixed as the date (or event) from which the said Act should take effect;

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company;

And whereas the old Company has agreed to convey and assign the same to the new Company;

Now this indenture witnesseth that in consideration of the said Act and of the shares in the capital stock of the new Company which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company hereby grants, assigns, transfers and sets over unto the new Company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or become entitled: To have and to hold unto the new Company, its successors and assigns, to and for its sole and only use forever; and the old Company covenants with the new Company to execute and deliver at the expense of the new Company all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full legal and equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property and each and every part thereof.

And in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the old Company is now liable or which it should pay, discharge, carry out or perform; and the new Company shall and will indemnify and save harmless the old Company in respect thereof.



8-9 EDWARD VII.

CHAP. 90.

An Act respecting the Guelph and Goderich Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, ^{1904, c. 81.} by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Guelph and Goderich Railway Company may commence the construction of the branch line of railway from a point in the township of Woolwich, Peel or Wellesley to the towns of St. Marys and Clinton, via Stratford, authorized by section 7 of chapter 81 of the statutes of 1904, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced, or is not completed and put in operation within the said periods respectively, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted. Time for construction of branch line extended.

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8-9 EDWARD VII.

CHAP. 91.

An Act respecting the Hudson's Bay and Pacific Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1896 (2nd grant the prayer of the said petition: Therefore His Majesty, Sess.), c. 7; by and with the advice and consent of the Senate and House of 1898, c. 65; Commons of Canada, enacts as follows:— 1901, c. 65; 1903, c. 129; 1905, c. 104.

1. The Hudson's Bay and Pacific Railway Company may Time for commence the construction of its railway, and expend fifteen construction of railway extended. per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, within the said respective periods, the powers granted to the said Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

2. Admiral Albert Hastings Markham, Admiral Edmund Bourke, Colonel Josiah Harris, John Weston, J. A. Clarke, J. A. Reed and Lieutenant Colonel Thomas Thomson Turnbull, all of London, England; and Alphonse Racine and Eustache H. Lemay, both of Montreal, and Edwin E. LaBeree and R. Jones, both of Ottawa, Canada, are constituted provisional directors of the said Company.

3. Section 10 of chapter 7 of the statutes of 1896 (Second Session), chapter 65 of the statutes of 1901, chapter 129 of the statutes of 1903, and section 1 of chapter 104 of the statutes of 1905, are repealed.

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8-9 EDWARD VII.

CHAP. 92.

An Act respecting the Huron and Ontario Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Huron and Ontario Railway Company may issue bonds, debentures, perpetual or terminable debenture stock, or other securities, not exceeding forty thousand dollars per mile of the railway of single track, or fifty thousand dollars per mile of the railway of double track, and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. Issue of securities.
2. Section 11 of chapter 20 of the statutes of 1896 (First Session), and section 1 of chapter 111 of the statutes of 1906 amending the said section 11, are repealed. 1896 (1st Sess.), c. 20, and 1906, c. 111, amended.
3. The said Company may commence the construction of its railways and expend fifteen per cent of the amount of its capital stock thereon within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced and such expenditure is not so made, or if the said railways are not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the said Company by Parliament shall Time for construction of railway extended.

shall cease and be null and void as respects such portion of the said railways as then remains uncompleted.

1907, c. 94,
amended.

4. Section 3 of chapter 94 of the statutes of 1907 is repealed.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 93.

An Act respecting the Joliette and Lake Manuan Colonization Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1903, c. 135; grant the prayer of the said petition: Therefore His Majesty, 1905, c. 111. by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The construction of the railway of the Joliette and Lake Manuan Colonization Railway Company may be commenced, Time for construction extended. and fifteen per cent of the amount of the capital stock expended thereon, within two years after the passing of this Act, and the railway finished and put into operation within five years after the passing of this Act; and if the railway is not so commenced and such expenditure is not so made, or if the railway is not finished and put into operation within the said respective periods, the powers of construction granted to the said Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

2. Chapter 111 of the statutes of 1905 is hereby repealed.

1905, c. 111
repealed.

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8-9 EDWARD VII,

CHAP. 94.

An Act for the relief of Evelyn Martha Keller.

[Assented to 19th May, 1909.]

WHEREAS Evelyn Martha Keller, presently residing at the *Preamble*, city of Toronto, in the province of Ontario, wife of Charles Henry Keller, formerly of the said city of Toronto, clerk, presently residing in the city of Detroit, state of Michigan, one of the United States of America, has by her petition alleged, in effect, that they were lawfully married on the fourteenth day of June, A.D. 1906, at the said city of Toronto, she then being Evelyn Martha Graham, spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto, in the period between the end of the month of November, A.D. 1907, and the beginning of the month of April, A.D. 1908, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Evelyn Martha Graham and ~~Charles Henry Keller~~ ^{Marriage dissolved.} her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to
marry again.

2. The said Evelyn Martha Graham may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Henry Keller had not been solemnized.

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8-9 EDWARD VII.

CHAP. 95.

An Act respecting the Kettle River Valley Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to 1901, c. 68; grant the prayer of the said petition: Therefore His Majesty, 1903, c. 138; by and with the advice and consent of the Senate and House of 1904, c. 89; Commons of Canada, enacts as follows:— 1906, c. 117.

1. The Kettle River Valley Railway Company, hereinafter Line of railway authorized. called "the Company," may lay out, construct and operate a authorized. railway from a point at or near Penticton, in the province of British Columbia, by the most feasible route to a point at or near Nicola, in the said province.

2. The Company may, within two years after the passing Time for construction of railways extended. of this Act, commence the construction of its railways heretofore, and by this Act, authorized, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not commenced, or if the said railways are not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the Company by Parliament shall cease as to so much of the said railways as then remains uncompleted.

3. The limit to the amount of securities which the Company Issue of securities. may issue and secure under sections 136 to 146, both inclusive, of *The Railway Act*, with respect to the railway authorized by section 1 of this Act, shall be forty thousand dollars per mile, and such securities may be issued only in proportion to the

length of such railway constructed or under contract to be constructed.

1906, c. 117, **4.** Section 4 of chapter 117 of the statutes of 1906 is repealed.
amended.

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8-9 EDWARD VII.

CHAP. 96.

An Act to incorporate the Kootenay and Alberta Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. J. H. Senkler, barrister, John Bowerman Ferguson, mine operator, both of the city of Vancouver, in the province of British Columbia; John W. McConnell, financier, Hanbury A. Budden, barrister, and Sherley Ogilvy, manufacturer, all of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the Company, are incorporated under the name of "The Kootenay and Alberta Railway Company," ^{Incorporation.} ^{Corporate name.} hereinafter called "the Company."
2. The persons named in section 1 of this Act are constituted ^{Provisional directors.} the provisional directors of the Company.
3. The capital stock of the Company shall be one million ^{Capital stock.} dollars. No one call thereon shall exceed ten per cent on the shares subscribed.
4. The head office of the Company shall be in the city of ^{Head office.} Montreal, in the province of Quebec.
5. The annual meeting of the shareholders shall be held on ^{Annual meeting.} the second Wednesday in September.

Number of
directors.

6. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Lines of
railway.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches,—

(a) from a point on the Crow's Nest branch of the Canadian Pacific Railway between Cowley Station and Pincher Station, in the province of Alberta, thence in a southerly direction passing through Beaver Valley to the North Kootenay Pass, thence in a southerly direction down the valley of the Flathead River, in the province of British Columbia, to the International Boundary;

(b) from a point on the Crow's Nest branch of the Canadian Pacific Railway between Cowley Station and Pincher Station, thence through the town of Pincher Creek, the Fishbourn Settlement, the Blood Indian Reserve, to Mountainview and Cardston and down the Milk River Valley to the International Boundary at or near Coutts.

Consent of
municipali-
ties as to
railway on
highways.

8. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Acquisition
and distribu-
tion of power.

9. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the district through which the railway is authorized to be built; and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Rates.

Consent of
municipali-
ties as to
construction
and operation
of telegraph,
telephone
and electric
lines.

R.S., c. 37.

R.S., c. 126.

10. Nothing in this Act, or in *The Railway Act*, or in *The Telegraphs Act*, shall authorize the Company to construct or operate any telegraph or telephone lines, or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

11. The Company may, subject to the provisions of *The Telegraph Railway Act*, construct and operate telegraph and telephone lines upon and along its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

3. Part II. of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company.

12. The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

13. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act* the Company may enter into agreements with all or any of the companies hereinafter named, for any of the purposes specified in the said section 361, such companies being the Canadian Pacific Railway Company, the Calgary and Edmonton Railway Company, the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Southern Central Pacific Railway Company and the Great Northern Railway Company.

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8-9 EDWARD VII.

CHAP. 97.

An Act respecting the Kootenay and Arrowhead Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1901, c. 70; grant the prayer of the said petition: Therefore His Majesty, 1906, c. 119; by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Kootenay and Arrowhead Railway Company shall, Time for construction of railways extended. within two years after the passing of this Act, construct fifteen per cent of the mileage of the unconstructed portion of the railways which it was authorized by section 7 of chapter 70 of the statutes of 1901 to construct, and shall complete the said railways and put them in operation within five years; and if the said fifteen per cent of mileage is not so constructed, or if the said railways are not so completed and put in operation within the said periods respectively, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railways as then remain uncompleted.

2. Section 8 of chapter 70 of the statutes of 1901 and section Repeal. 2 of chapter 119 of the statutes of 1906 are repealed.

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8-9 EDWARD VII.

CHAP. 98.

An Act respecting the Kootenay Central Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to ^{1901, c. 71} grant the prayer of the said petition: Therefore His Majesty, ^{1904, c. 91} by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 12 of chapter 71 of the statutes of 1901, as enacted Time for by section 1 of chapter 91 of the statutes of 1904, is amended by ^{completion} ^{of railway} striking out the words "one thousand nine hundred and nine" ^{extended.} in the fifth and sixth lines thereof, and substituting therefor the ^{1904, c. 91,} words "one thousand nine hundred and twelve." ^{s. 1} ^{amended.}

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8-9 EDWARD VII.

CHAP. 99.

An Act to incorporate the London and Lancashire Plate Glass and Indemnity Company of Canada.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Alfred Wright, Albert Edward Blogg, Charles Milton Incorporation. Horswell, James Robertson Sangster, Frank John James Stark, and Alexander MacLean, all of the city of Toronto in the county of York, together with such persons as become shareholders in the company, are incorporated under the name of “The London and Lancashire Plate Glass and Indemnity Com- Corporate name. pany of Canada,” hereinafter called “the Company.”

2. The persons named in section 1 of this Act, together with Provisional directors. such persons not exceeding six as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of Powers. stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company on account of stock subscribed or otherwise received by them and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company.

3. The head office of the Company shall be in the city of Head office. Toronto, in the province of Ontario.

Agencies.

2. The directors may establish local advisory boards or agencies, either in Canada or elsewhere, at such times and in such manner as they deem expedient.

Capital stock.

4. The capital stock of the Company shall be two hundred and fifty thousand dollars divided into shares of one hundred dollars each.

Increase of capital.

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding five hundred thousand dollars; but the stock shall not be increased until a resolution of the board of directors authorizing such increase has first been submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose: Provided that no issue of such increased capital stock shall be made except upon the payment of ten per cent in cash upon the amount of such issue.

First general meeting.

5. As soon as one hundred and fifty thousand dollars of the capital stock have been subscribed, and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Toronto, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than eight nor more than twenty-four directors, a majority of whom shall be a quorum.

Election of directors.

6. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock and has paid all calls due thereon and all liabilities incurred by him to the Company.

Annual meeting.

7. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted; and special general or extraordinary meetings may at any time be called by any five of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice of meeting.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders, mailed at least twenty days before the day for which the meeting is called and addressed by registered letter to the addresses of the shareholders respectively given in the books of the Company.

8. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint. The first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice shall be given of any call; and any notice of call may be effectually given by sending the notice by registered letter, post paid to the last known address of each shareholder.

9. The Company may carry on such and so many of the ^{Business} classes, branches or kinds of insurance mentioned in section 10 ^{which may be carried on.} of this Act as are from time to time covered by the license issued to the Company pursuant to the statutes respecting insurance.

10. The classes, branches or kinds of insurance referred to ^{Kinds of insurance.} in section 9 of this Act are the following, namely:—

(a) the making and effecting of contracts of insurance against ^{Plate or other glass.} loss or damage to plate or other glass;

(b) the making of contracts insuring the owner of personal ^{Accidental damage to personal property.} property, other than plate or other glass, against accidental damage or loss, total or partial, *in situ* or in transit, by reason of any cause whatever except loss directly or indirectly by fire or perils of navigation;

(c) the making of contracts of insurance against loss or ^{Burglary or theft.} damage by burglary, house-breaking or theft, including theft by servants, work-people, casual employees or any other person lawfully or unlawfully upon the premises of the person insured;

(d) the making of contracts of insurance against loss or ^{Damage or loss to persons or property from explosions or accidents by boilers, pipes or machinery.} damage to property or persons from explosion, collapse, rupture and other accidents to stationary, marine and locomotive boilers, gas or gasoline plants or boilers, and to any boilers, engines or plants including sprinkler systems and the pipes, engines, motors and machinery, gas, gasoline or oil engines or machinery connected therewith and operated thereby, or to the house, store or other building, or vessel, steamer, boat or other craft in which the same are placed, or to which they are attached, or to any goods, wares, merchandise, cargo or other property of any description stored or conveyed therein; and the Company, as regards such steam boiler insurance, may inspect and make certificates of inspection of boilers, pipes, engines, motors and machinery; such certificates shall bind only the parties to the contract, and shall not be used as a public notification of inspection, nor shall any such certificate relieve the owner from any obligation imposed by any inspection Act, whether of Canada or any province of Canada.

11. The Company shall not commence the business of plate ^{When plate glass insurance may be commenced.} glass insurance as provided for by this Act until one hundred and fifty thousand dollars of the capital stock have been sub-

scribed and fifteen thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act.

Property
damage and
boiler
insurance.

2. The Company shall not commence the business of property damage insurance, including boiler insurance, until its subscribed capital has been increased to at least two hundred thousand dollars, and an additional amount of thirty thousand dollars has been paid thereon in cash into the funds of the Company.

Burglary
insurance

3. The Company shall not commence the business of burglary insurance until the subscribed capital has been increased to at least two hundred and fifty thousand dollars, and the additional amount of thirty thousand dollars has been paid thereon in cash into the funds of the Company.

Cash
payments
under ten
per cent.

4. The amount paid in cash by any shareholder which is less than ten per cent of the amount subscribed for by him shall not be reckoned as part of the several sums of fifteen thousand dollars, forty-five thousand dollars and seventy-five thousand dollars required to be paid into the funds of the Company under the provisions of subsections 1, 2 and 3 of this section, nor shall stock upon which less than ten per cent in cash has been paid by the subscriber be reckoned as part of the stock necessary to be subscribed as provided for by this Act.

Real property
which may
be held.

12. The Company may acquire and hold any real property required in part or wholly for its use and accommodation, and may dispose thereof; but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Ontario where it shall not exceed five thousand dollars.

Re-insurance.

13. The Company may cause itself to be insured against any risk undertaken in the course of its business.

Risks of
other
companies.

2. The Company may also undertake the re-insurance of the risks of other companies.

R.S., c. 34.

14. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*, and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which any provision of this Act is inconsistent with those Acts, the provisions of those Acts shall prevail.

R.S., c. 79.

15. Notwithstanding anything in *The Companies Act*, Part II. thereof, except sections 125, 134, 135, 141, 158, 159 and 165, shall apply to the Company, in so far as the said Part is

not inconsistent with any of the provisions of *The Insurance Act*, or of this Act, or of any general Act relating to insurance passed during the present session of Parliament.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 100.

An Act to incorporate the London and North Western Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Donald A. Stewart, of the city of London, Alfred J. Stoner, ^{Incorporation.} of the village of Fernhill, Thomas G. Turnbull, of the village of Komoka, Thomas E. Pound, of the city of London, John C. Knapton, of the town of Parkhill, John Hall, of the city of London, all in the county of Middlesex, and David Milne, of the town of Sarnia, in the county of Lambton, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The ^{Corporate} London and North Western Railway Company," hereinafter ^{name.} called "the Company."

2. The undertaking of the Company is declared to be a work ^{Declaratory.} for the general advantage of Canada.

3. The persons named in section 1 of this Act are constituted ^{Provisional} directors of the Company. ^{directors.}

4. The capital stock of the Company shall be five hundred ^{Capital stock.} thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

5. The head office of the Company shall be at the city of ^{Head office.} London, in the county of Middlesex, in the province of Ontario.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Wednesday in September.

Directors.

7. The number of directors shall not be less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches (a) from a point in or near the city of London, in the county of Middlesex, to a point in or near the town of Sarnia, in the county of Lambton, and (b) from a point in or near the said city of London to a point on Lake Huron, at or near Grand Bend in the county of Huron, passing through or near the towns of Ailsa Craig and Parkhill, or either of them.

Consent of municipalities.

9. The Company shall not construct or operate its railway along any highway, street, or other public place without first obtaining the consent, expressed by by-law, of the municipalities having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

Special powers.

10. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Issue of securities.

11. The securities issued by the Company in respect to its railway shall not exceed thirty thousand dollars per mile of its railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Transmission and delivery of electric power.

12. For the purposes of its undertaking and subject to the provisions of section 247 of *The Railway Act* the Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Consent of municipalities required for telegraph or

13. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of

surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality.

14. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the transmission of any messages, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

3. Part II. of *The Telegraphs Act*, except such portions R.S., c. 126. thereof as are inconsistent with *The Railway Act* or with this Act, shall apply to the telegraphic business of the Company.

15. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into any agreement with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Père Marquette Railroad Company, the Michigan Central Railroad Company, and the Wabash Railroad Company, for any of the purposes specified in the said section 361.

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8-9 EDWARD VII.

CHAP. 101.

An Act for the relief of Charles Bowerbank Lowndes.

[Assented to 19th May, 1909.]

WHEREAS Charles Bowerbank Lowndes, of the city of Preamble. Toronto, in the province of Ontario, manufacturer, has by his petition alleged, in effect, that on the twenty-third day of April, A.D. 1895, at the city of Cincinnati, in the state of Ohio, one of the United States of America, he was lawfully married to Lulu Anna Henderson; that his legal domicile was then and is now in Canada; that in or about the month of June, A.D. 1905, she deserted him and went to the city of Detroit, in the state of Michigan, one of the said United States; that on the second day of October, A.D. 1906, at the city of Chicago, in the state of Illinois, one of the said United States, she went through a form of marriage with one K. Franklin Peterson, with whom she has since lived, as wife with husband, and was on the first day of March, A.D. 1909, so living at the said city of Chicago; that he has not connived at nor condoned the said offence; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Charles Bowerbank Lowndes Marriage dissolved. and Lulu Anna Henderson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to
marry again.

2. The said Charles Bowerbank Lowndes may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Lulu Anna Henderson had not been solemnized.

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8-9 EDWARD VII.

CHAP. 102.

An Act respecting the Manitoba and North Western Railway Company of Canada.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be *Preamble.* enacted as hereinafter set forth, and it is expedient to 1902, c. 71; grant the prayer of the said petition: Therefore His Majesty, 1904, c. 94; 1907, c. 104; by and with the advice and consent of the Senate and House of 1908, c. 126. Commons of Canada, enacts as follows:—

1. The Manitoba and North Western Railway Company of Canada may commence the construction of the railways authorized by section 9 of chapter 52 of the statutes of 1893, and by section 2 of chapter 104 of the statutes of 1907, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, or if they are not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

2. The branch line of railway authorized by paragraph (c) of section 9 of chapter 52 of the statutes of 1893 shall not be located or constructed within twelve miles of any existing line of railway except at such points where, owing to topographical conditions, the location and construction of the said railway require to be nearer to an existing line than twelve miles.



8-9 EDWARD VII.

CHAP. 103.

An Act respecting the Manitoba Radial Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1907, c. 105. by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Manitoba Radial Railway Company may commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon within two years after the passing of this Act, and may finish the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not finished and put in operation, within the said periods respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

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8-9 EDWARD VII.

CHAP. 104.

An Act respecting the patents of Washington R. McCloy.

[Assented to 19th May, 1909.]

WHEREAS Washington R. McCloy, having his chief place of business at the city of Elwood, county of Madison, in the state of Indiana, one of the United States of America, has by his petition represented that on October 21st, 1902, he was granted letters patent, number 77,901, under the seal of the Patent Office, for a machine for finishing glassware; that on or before the expiration of the six years of the said letters patent, which were granted for a term of eighteen years (only a partial fee for the first six years being paid upon the issue thereof), he was entitled upon application therefor to a certificate of payment of the renewal fee as provided by section 23 of *The Patent Act*, 1906, c. 69, s. 23. that he duly remitted, in the month of September, 1908, the sum of twenty-two dollars and fifty cents to a responsible firm of patent solicitors at Ottawa; that on October 2nd, 1908, Mr. Lloyd Blackmore, on behalf of the said firm, wrote to him as follows:—

“We are paying this fee at the Patent Office, and will receive the certificate in the course of a day or so, when we will immediately forward the same to you;”

that the record of the receipt of this fee was inadvertently mislaid in the office of the said firm, and the mistake was not discovered until October 22nd, 1908; that the said fee was then tendered to the Patent Office, and, under the rules of the Patent Office, was rejected as being too late; that the said Washington R. McCloy again wrote to the said firm, not having received his certificate, and asked the reason of the delay, and in no way neglected his part in the matter; that the said Washington R. McCloy was attentive in his efforts to fulfil the requirements of the law, and was careful in his choice of agents; that the said Washington R. McCloy relied on the said agents and therefore

that the said Washington R. McCloy was an innocent party to the neglect; and whereas the said Washington R. McCloy has petitioned for an Act authorizing the Commissioner of Patents to receive his application and fee for the second term of six years of the eighteen years for which the said letters patent were conditionally granted, and to issue the certificate of payment of said fee provided by *The Patent Act*, and it is expedient to grant the prayer of the said petitioner: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to
Commissioner
of Patents to
receive fee
and extend
duration of
patent.

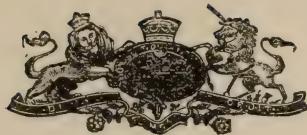
R.S., c. 69,
s. 23.

Certain rights
saved.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the said letters patent, the Commissioner of Patents may receive from Washington R. McCloy the application for a certificate of payment and the usual fees therefor upon the said letters patent for the second term of six years of the eighteen years of the said letters patent, and may grant and issue to the said Washington R. McCloy the certificate of payment of fees provided for by *The Patent Act*, and an extension of the period of duration of the said letters patent to the term of twelve years, in as full and ample a manner as if application therefor had been duly made within six years from the date of the issue of the said letters patent.

2. If any person has, in the period between the 21st October, 1908, and the 23rd February, 1909, commenced to manufacture, use or sell, in Canada, the invention covered by the said letters patent, such person may continue to manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed.

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8-9 EDWARD VII.

CHAP. 105.

An Act for the relief of Laura McQuoid.

[Assented to 19th May, 1909.]

WHEREAS Laura McQuoid, presently residing at the city of Preamble Toronto, in the province of Ontario, wife of William McQuoid, of the town of Coborne, in the county of Northumberland, in the province of Ontario, farmer, has by her petition alleged, in effect, that they were lawfully married on the fourteenth day of December, A.D. 1892, at the town of Cobourg, in the said county, she then being Laura Ross, spinster; that the legal domicile of the said William McQuoid was then and is now in Canada; that at the said city of Toronto, on or about the ninth day of September, A.D. 1908, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Laura Ross and William Marriage dissolved. McQuoid, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.
2. The said Laura Ross, may at any time hereafter marry Right to marry again any man whom she might lawfully marry if the said marriage with the said William McQuoid had not been solemnized.

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8-9 EDWARD VII.

CHAP. 106.

An Act respecting Mexican Land and Irrigation Company, Limited.

[Assented to 7th April, 1909.]

WHEREAS Mexican Land and Irrigation Company, Limited, Preamble. has by its petition represented that it is incorporated under *The Companies Act*, being chapter 79 of the Revised R.S., c. 79. Statutes of Canada, 1906, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subject to the laws in force in the Republic of Mexico, and with such legislative, governmental, municipal or other authority, concession, license or consent as is necessary, Mexican Land and Irrigation Company, Limited, (hereinafter called "the Company") may, within the Republic of Mexico, survey, lay out, construct, complete, maintain and operate, and from time to time extend, remove and change as required, double or single, iron or steel railways and branches, side tracks, turnouts and tramways for the passage of cars, carriages and other vehicles adapted thereto, upon and along streets, highways and other public places, and upon and along lands purchased, leased or otherwise acquired by the Company, also telegraph and telephone lines and works in connection therewith, and allow the use of the said railways and other works by lease, license or otherwise for reward, and take, transmit and carry for reward telegrams, messages, passengers and freight, including mails, express and other freight upon or by means thereof, by force of power of animals, or by steam, pneumatic, electric or mechanical power, or by a combination of them or any of them, and also may there acquire by purchase, lease or otherwise, upon such terms and conditions as are agreed upon, and maintain and operate

Powers of Company in Republic of Mexico.
Railways.
Tramways.
Telegraphs.
Telephones.
Carriers.
Acquisition of properties of other companies.

operate for reward, any existing or future lines of railway, tramway, telegraph and telephone; and for all or any of the purposes aforesaid the Company may enter into and carry out such contracts, concessions and agreements as it thinks necessary.

Issue of
share
warrants.

2. The Company may, with respect to any share which is fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise for the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a "share warrant."

Effect of
share
warrant.

3. A share warrant shall entitle the bearer of such warrant to the shares specified in it, and such shares may be transferred by the delivery of the share warrant.

Surrender
and
cancellation
entitle to
entry as
shareholder.

4. The bearer of a share warrant shall, subject to the conditions to be determined by the directors as hereinafter provided, be entitled on surrendering such warrant for cancellation to have his name entered as a shareholder in the books of the Company, and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in its books the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled.

Liability of
Company for
entry
without
cancellation.

5. The bearer of a share warrant may, if the directors so determine, be deemed to be a shareholder of the Company within the meaning of *The Companies Act*, either to the full extent or for such purposes as is prescribed by the directors: Provided that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the Company.

To what
extent
bearer is
to be
deemed
shareholder.
Warrant
will not
qualify
bearer as a
director.

6. On the issue of a share warrant in respect of any share or shares, the Company shall strike out of its books the name of the shareholder then entered therein as holding such share or shares as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

(a) the fact of the issue of the warrant;
(b) a statement of the share or shares included in the warrant;
(c) the date of the issue of the warrant;
and until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by sections 89 and 90 of *The Companies Act*, to be entered in the books of the Company in respect of such share or shares; and on the

Date of
surrender to
be entered.

surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder.

7. The directors may determine, and from time to time vary, the conditions upon which share warrants shall be issued, and in particular upon which a new share warrant or coupon will be issued in the place of one worn out, defaced, lost or destroyed, and the conditions upon which the bearer of a share warrant shall be entitled to attend and vote at general meetings, and upon which a share warrant may be surrendered and the name of the holder entered in the books of the Company in respect of the shares therein specified. Unless the bearer of a share warrant is entitled to attend and vote at general meetings, the shares represented by such warrant shall not be counted as part of the stock of the Company for the purposes of a general meeting. The holder of a share warrant shall be subject to the conditions for the time being in force, whether made before or after the issue of such warrant.

8. The Company may guarantee the payment of the principal and interest or part thereof of bonds or other securities of any corporation the majority of whose capital stock is held or controlled by the Company. Such guarantee may be signed by the officer duly authorized in that behalf, and may be in the form set out in the schedule hereto or to the like effect, and the Company shall be liable to the holder from time to time of the bond or other security so guaranteed in accordance with the terms of such guarantee.

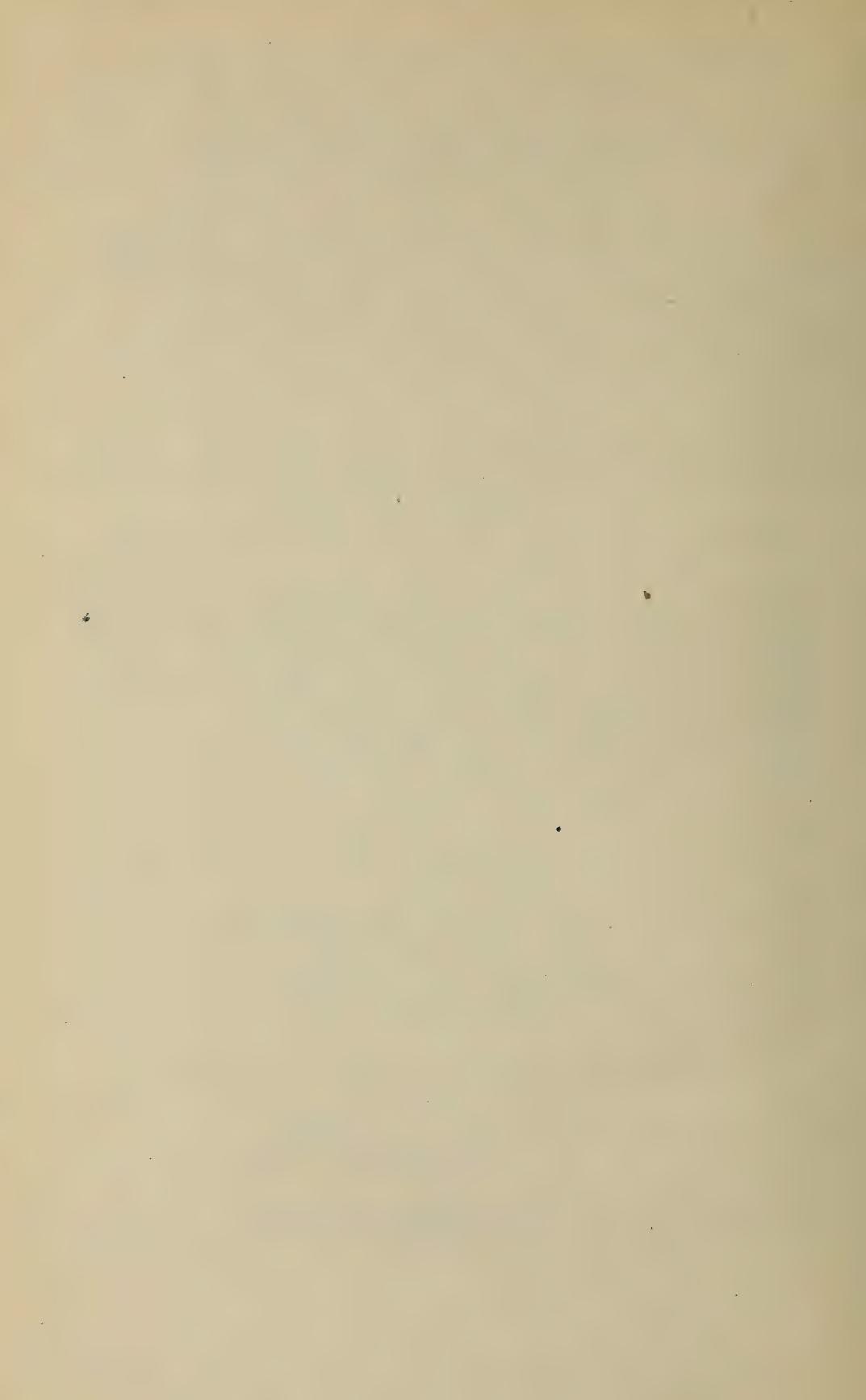
SCHEDULE.

Payment of the principal and interest (*or as the case may be*) of the within bond (*or as the case may be*) in accordance with the tenor thereof (*or as the case may be*) is hereby guaranteed by Mexican Land and Irrigation Company, Limited, (*here may be set out any special terms or conditions of the guarantee*).

For
MEXICAN LAND AND IRRIGATION COMPANY, LIMITED.

President
(*or other officer duly authorized*).

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to
the King's most Excellent Majesty.





8-9 EDWARD VII.

CHAP. 107.

An Act respecting Mexican Transportation Company, Limited and to change its name to "Mexico North Western Railway Company."

[Assented to 19th May, 1909.]

WHEREAS Mexican Transportation Company, Limited, has Preamble. by its petition, represented that it is incorporated under *The Companies Act*, chapter 79 of the Revised Statutes of Canada, 1906, and has prayed that it be enacted as hereinafter set R.S., c. 79. forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The name of the said Company, hereinafter called "the Name Company," is changed to "Mexico North Western Railway ^{changed.} Company," but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in anywise affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

2. Subject to the laws in force in the Republic of Mexico, Company and with such legislative, governmental, municipal or other authority, concession, license or consent as is necessary, the authorized to acquire powers in Republic of Mexico. Company may, within the Republic of Mexico, survey, lay out, construct, complete, equip, maintain, and operate, and from time to time extend, remove, and change as required, double or single iron or steel railways and branches, side tracks, turn-outs, and appurtenances and tramways for the passage of cars, carriages and other vehicles adapted thereto, upon and along Railways streets, highways and other public places, and upon and along Tramways. lands purchased, leased, or otherwise acquired by the Company; also telegraph and telephone lines and works in connection therewith;

Telegraphs.

Telephones.

Carriers.

Acquisition
of properties
of other
companies.

therewith; and allow the use of the said railways and other works by lease, license or otherwise for reward; and take, transmit, and carry for reward telegrams, messages, passengers and freight, including mails, express, and other freight upon or by means thereof, by steam, pneumatic, electric or other power, or by a combination of them or any of them; and also may there acquire, by purchase, lease or otherwise, upon such terms and conditions as are agreed upon, and maintain, and operate for reward, any existing or future lines of railway, tramway, telegraph and telephone; and for all or any of the purposes aforesaid, the Company may enter into and carry out such contracts, concessions and agreements as it thinks necessary.

Issue of
share
warrants.

3. The Company may, with respect to any share which is fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a "share warrant."

Effect of
share
warrant.

4. A share warrant shall entitle the bearer of such warrant to the shares specified in it, and such shares may be transferred by the delivery of the share warrant.

Surrender
and
cancellation
entitle to
entry as
shareholder.Liability of
Company for
entry without
cancellation.

5. The bearer of a share warrant shall, subject to the conditions to be determined by the directors as hereinafter provided, be entitled, on surrendering such warrant for cancellation, to have his name entered as a shareholder in the books of the Company, and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in its books the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled.

To what
extent
bearer is to
be deemed
shareholder.
R.S., c. 79.
Warrant will
not qualify
bearer as a
director.Particulars
to be
entered in
register.

6. The bearer of a share warrant may, if the directors so determine, be deemed to be a shareholder of the Company within the meaning of *The Companies Act*, either to the full extent or for such purposes as is prescribed by the directors: Provided that the bearer of a share warrant shall not be qualified in respect of the shares specified in such warrant for being a director of the Company.

7. On the issue of a share warrant in respect of any share or shares, the Company shall strike out of its books the name of the shareholder then entered therein as holding such share or shares as if he had ceased to be a shareholder, and shall enter in the register the following particulars:—

(a) the fact of the issue of the warrant;

(b) a statement of the share or shares included in the warrant;

(c) the date of the issue of the warrant;
 and until the warrant is surrendered the above particulars
 shall be deemed to be the particulars which are required, by
 sections 89 and 90 of *The Companies Act*, to be entered in the
 books of the Company in respect of such share or shares; and
 on the surrender of a warrant the date of such surrender shall
 be entered as if it were the date at which a person ceased to be a
 shareholder.

Date of
 surrender to
 be entered.
 R.S., c. 79, ss.
 89, 90.

8. The directors may determine, and from time to time vary, the conditions upon which share warrants shall be issued, and in particular upon which a new share warrant or coupon will be issued in the place of one worn out, defaced, lost or destroyed, and the conditions upon which the bearer of a share warrant shall be entitled to attend and vote at general meetings, and upon which a share warrant may be surrendered and the name of the holder entered in the books of the Company in respect of the shares therein specified. Unless the bearer of a share warrant is entitled to attend and vote at general meetings, the shares represented by such warrant shall not be counted as part of the stock of the Company for the purposes of a general meeting. The holder of a share warrant shall be subject to the conditions for the time being in force, whether made before or after the issue of such warrant.

9. The Company may guarantee the payment of the principal and interest, or any part thereof, of bonds, debenture stock, or other securities or evidences of indebtedness of any corporation the majority of whose capital stock is held or controlled by the Company; such guarantee may be signed by the officer duly authorized in that behalf, and may be in the form set out in the schedule hereto or to the like effect; and the Company shall be liable to the holder from time to time of the bond or other security so guaranteed, in accordance with the terms of such guarantee.

Company
 may
 guarantee
 securities of
 other
 corporations
 controlled
 by it.

SCHEDULE.

Payment of the principal and interest (*or as the case may be*) of the within bond (*or as the case may be*) in accordance with the tenor thereof (*or as the case may be*) is hereby guaranteed by Mexico North Western Railway Company, (*here may be set out any special terms or conditions of the guarantee*).

For

MEXICO NORTH WESTERN RAILWAY COMPANY.

President (*or other officer duly authorized*).

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to
 the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 108.

An Act respecting the Monarch Fire Insurance Company.

[Assented to 19th May, 1909.]

WHEREAS the Monarch Fire Insurance Company has by its Preamble petition represented that it was incorporated under R.S.O., 1897, "The Ontario Insurance Act," chapter 203 of the Revised Statutes of Ontario, 1897, and that it has, since the thirteenth day of May, one thousand nine hundred and three, carried on the business of fire insurance in the said province; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The shareholders of the Monarch Fire Insurance Company, mentioned in the preamble, and hereinafter called "the old Company," together with such persons as become shareholders in the company hereby incorporated, are incorporated under the name of "The Monarch Fire Insurance Company," herein-after called "the new Company." Incorporation. Corporate name.

2. The capital stock of the new Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each. Capital.

3. Each shareholder of the old Company is declared to be the holder of one-half as many shares in the new Company as he holds in the old Company, but only the sums which have been or are hereafter paid by such shareholder on the issued shares of the old Company, shall be credited as paid on the shares of capital stock of the new Company. The liability of a shareholder of the new Company upon the said shares of the new Company shares allotted. Liability of shareholders.

Company so held by him shall amount per share only to the difference between the sums so credited as paid upon each share and one hundred dollars.

Liability of shareholders of old company.

4. Nothing in this Act shall affect the liability of shareholders of the old Company who have not paid the calls already made upon the shares of the old Company to pay the said calls; and nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old Company to the present creditors or to the present policyholders of the old Company: Provided, however, that any payment made upon the shares of the new Company shall reduce the liability of the shareholders of the old Company by the amount of such payment.

Proviso.

New company liable for old company's obligations.

5. The new Company may acquire all assets, rights, credits, effects, and properties, real, personal and mixed, of whatsoever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or may become entitled; and in such case the new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company; and any person having any claim, demand, right, cause of action, or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto, and to the collection and enforcement thereof from and against the new Company, as such person has against the old Company: Provided however, that the shareholders of the new Company shall not be individually liable under section 150 of *The Companies Act* with respect to their shares in the new Company to such persons unless such persons abandon their rights in respect of their shares in the old Company.

Proviso.

R.S., c. 79.

Calls on shares.

Proviso.

Existing officers continued.

By-laws.

6. The directors may, from time to time, make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the shares of the new Company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint: Provided that no call shall exceed ten per cent, and that not less than thirty days' notice of any call shall be given.

7. The president, vice-president and directors of the old Company shall continue to be such in the new Company until their successors are elected and all by-laws, rules and regulations of the old Company not contrary to law or not inconsistent with this Act shall be the by-laws, rules and regulations of the new Company until amended or repealed under the provisions of this Act.

8. The affairs of the new Company shall be managed by a ^{Directors} board of not less than eight nor more than twenty-four directors, a majority of whom shall be a quorum. No person shall be a ^{Qualification} director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the new Company and has paid all calls due thereon and all liabilities incurred by him to the new Company.

9. The head office of the new Company shall be in the city ^{Head office} of London, in the province of Ontario, but local advisory boards or agencies may be established and maintained, either within ^{Local agencies} Canada or elsewhere, in such manner as the directors from time to time direct.

10. A general meeting of the new Company shall be called ^{Annual meeting.} once in each year at its head office, and at such meeting a statement of the affairs of the new Company shall be submitted by the directors.

2. Special general meetings may be called by any five of ^{Special meetings.} the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting; and notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders, respectively, given in the books of the new Company.

11. The new Company may make and effect contracts of ^{Business.} insurance throughout Canada and elsewhere, with any person against damage by fire, wind storm or lightning in or to any house, dwelling, store, factory, mill or other building whatsoever, or to any goods, chattels, bridges, railway plants or personal estate whatsoever, for such time, for such premiums or considerations, and with such modifications, restrictions and conditions as are agreed upon between the new Company and the insured, and, generally, may carry on the business of fire insurance in all its branches and forms.

2. The new Company may also cause itself to be insured ^{Re-insurance.} against any risk it may undertake in the course of its business.

3. The new Company may also undertake the re-insurance ^{Risks of other companies.} of the risks of other companies.

12. The new Company may acquire and hold ^{Real estate} real estate required in part or wholly for the use and accommodation of the new Company, and may sell, convey, mortgage, lease or otherwise dispose thereof, but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars.

Application
of R.S., c. 79.

13. Part II. of *The Companies Act*, except sections 125, 134, 135, 141, 158, 159 and 165 thereof, in so far as the said Part is not inconsistent with any of the provisions of this Act or of *The Insurance Act* or of any general Act relating to insurance passed during the present session of Parliament, shall apply to the new Company.

Application
of R.S., c. 34.

14. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to *The Insurance Act* and to any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts the latter shall prevail.

Capital to be
increased.

15. Before obtaining the license required by *The Insurance Act*, the subscribed capital of the new Company shall be increased from one hundred and twenty thousand one hundred dollars, being the sum to which the present subscribed capital of the old Company is reduced by virtue of section 3 of this Act, to at least two hundred and fifty thousand dollars, and there shall be paid thereon, in addition to the sum of thirty-four thousand five hundred dollars paid on the capital of the old Company, at least the sum of seventy-five thousand dollars in cash, to be appropriated only for the purposes of the new Company under this Act.

What
subscription
may be
reckoned.

2. No subscription to the capital stock, upon which less than ten per cent has been paid in cash, shall be reckoned as part of the two hundred and fifty thousand dollars required to be subscribed under this Act.

What
payments
may be
reckoned.

3. No sum paid by any shareholder who has paid in cash less than ten per cent of the amount subscribed for by him shall be reckoned as part of the seventy-five thousand dollars required to be paid under this section.

Annual
payment
upon capital.

16. In each year for five years after the issue of a license to the new Company under *The Insurance Act* a sum of not less than fifteen thousand dollars shall be paid annually in cash upon the capital stock of the new Company.

When Act
to take
effect.

17. This Act shall not take effect unless and until accepted and approved of by a resolution passed by a vote of not less than two-thirds in value of the shareholders of the old Company present or represented by proxy at a special general meeting of the old Company duly called for the purpose of considering this Act; and, if so accepted and approved of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said resolution.

2. Notice of such acceptance and approval, and of the day so ^{Notice.} fixed, shall be published by the Company in *The Canada Gazette*.

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to
the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 109.

An Act respecting the Montreal Bridge and Terminal Company and to change its name to the Montreal Central Terminal Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1890, c. 93. grant the prayer of the said petition: Therefore His Majesty, 1891, c. 106. by and with the advice and consent of the Senate and House of 1894, c. 63. Commons of Canada, enacts as follows:— 1897, c. 67. 1905, c. 127.

1. The name of the Montreal Bridge and Terminal Company Change of hereinafter called "the Company," is hereby changed to "The corporate name. Montreal Central Terminal Company;" but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing either by or in favour of or against the Company; and notwithstanding such change in the name of the Company, any such suit or proceeding may be prosecuted, continued or completed or any such judgment may be enforced as if this Act had not been passed.

2. The Company, in lieu of constructing a bridge as now authorized, may, at its option, and subject to the approval and consent of the Governor in Council and of the council of the city of Montreal provided for by section 4 of chapter 93 of the statutes of 1890, construct, maintain, own and operate one or more tunnels for railway purposes under the River St. Lawrence from a point in the city of Montreal to a point on the south shore of the River St. Lawrence; and the Company is hereby empowered to issue its bonds, debentures or other securities for the construction of such tunnel or tunnels and approaches for the amount of six million dollars as now authorized. Tunnels authorized. Issue of securities.

Tunnel or
bridge at
Lachine

3. After the works mentioned in section 2 of this Act have been commenced and fifteen per cent of the estimated cost thereof has been expended thereon, the Company may, for the purpose of connecting with any railway reaching the south shore of the River St. Lawrence from the south or west, lay out, construct, own and operate a bridge or tunnel across or under the River St. Lawrence near Lachine.

Stations.

4. The Company may construct, own, maintain and operate one or more freight and passenger stations, elevators, warehouses and general freight and passenger terminal facilities in and about the city of Montreal; and may construct, own and operate such branches and sidings as may be necessary to connect the same with the Company's lines; and may also construct, maintain, own and operate one or more hotels, parks and places of amusement along its lines; but no park or place of amusement shall be located or constructed within the city of Montreal without the consent of the council of the city of Montreal or elsewhere without the consent of the municipality in which such park or place of amusement is situated.

Branches
and sidings.

Hotels and
parks.

Conveyance
of power.

Sale or lease.

Rates and
charges.

Issue of
securities
on works
other than
tunnels and
approaches.

Limit of
amount.

Consent of
municipali-
ties.

5. The Company may construct its tunnel or tunnels, subways, surface lines, and bridge or bridges so that, in addition to the operation of railways, it may, for the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, convey and distribute power, heat, light, gas, air and water by conduits, wires, tubes, pipes, or otherwise, and may, with the consent of the city of Montreal or any other municipality affected expressed by by-law, sell, lease or rent the use of the same or any part thereof to others and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

6. The Company may, in addition to the bonds, debentures or other securities authorized under section 2 of this Act, issue bonds, debentures or other securities, from time to time, on any portion of its works other than the said tunnel or tunnels and approaches; provided, however, that the amount of bonds, debentures or other securities so issued does not exceed the cost of the property mortgaged to secure such bonds, debentures or other securities.

7. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes or to convey and distribute gas, air and water by tubes, pipes or otherwise, or disposing

of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

8. The Company shall not construct or operate its line of ^{Consent of municipalities.} railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

2. Subject to the provisions of sections 361, 362 and 363 of ^{Agreements with other companies.} *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Northern Quebec Railway Company, the Delaware and Hudson Railroad Company, the New York Central Railroad Company, the Southern Counties Railway Company, the Montreal Quebec and Southern Railway Company, the Montreal Street Railway Company, the Montreal Park and Island Railway Company, the Central Railway Company of Canada, the Vermont Central Railroad Company and the Rutland Railroad Company.

9. Sections 3, 4, 5 and 6 of chapter 93 of the statutes of 1890 ^{1890, c. 93.} _{s. 3 amended} are hereby amended by adding after the word "bridge" wherever it appears in the said sections the words "or tunnel or tunnels," ^{Works authorized.} and after the word "connect" where it appears in the said section 3 the words "the Company's central passenger station and."

10. The Company shall commence the construction of the ^{Time for construction extended.} bridges or tunnels referred to in sections 2 and 3 of this Act, and shall expend thereon fifteen per cent of its capital stock within two years after the passing of this Act: and if such commencement and expenditure are not so made, or if the said bridges or tunnels are not completed within five years from the passing of this Act, the powers of construction for such bridges and tunnels granted to the Company by this Act and the other Acts relating to the Company, shall cease and become null and void as respects so much of the Company's works as then remains uncompleted.



8-9 EDWARD VII.

CHAP. 110.

An Act respecting the Montreal Terminal Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1894, c. 83;
1896, (1st Sess.), c. 27;
1898, c. 79;
1899, c. 76;
1904, c. 99.

1. The railway of the Montreal Terminal Railway Company, hereinafter called "the Company," may be completed and put in operation within five years after the passing of this Act, and if the said railway is not so completed and put in operation the powers conferred upon the said Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Time for construction of railway extended.

2. Chapter 99 of the statutes of 1904 is repealed.

1904, c. 99
repealed

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8-9 EDWARD VII.

CHAP. III.

An Act for the relief of Isaac Moore.

[Assented to 19th May, 1909.]

WHEREAS Isaac Moore, of the city of Toronto, in the province of Ontario, teamster, has by his petition alleged, in effect, that on the seventh day of August, A.D. 1893, at the said city of Toronto, he was lawfully married to Mary Ellen Terry, that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at the city of Hamilton, in the province of Ontario, in or about the month of June, A.D. 1904, she committed adultery with one Richard L. Hammond; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows—

1. The said marriage between Isaac Moore and Mary Ellen Terry, his wife, is hereby dissolved, and shall be henceforth null dissolved, and void to all intents and purposes whatsoever.
2. The said Isaac Moore may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Ellen Terry had not been solemnized.

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 112.

An Act to incorporate the Board of Elders of the Canadian District of the Moravian Church in America.

[Assented to 19th May, 1909.]

WHEREAS the persons hereinafter named have, by their ^{Preamble.} petition, represented that they are members of the Moravian Church in America; that the said church has been engaged for several years in establishing and carrying on missions, the erection and conduct of churches, schools, colleges, orphanages and hospitals, in the provinces of Manitoba, Saskatchewan and Alberta; that in the course of their work some of them have acquired land which they desire to transfer to the corporation hereby created; and whereas the said petitioners have prayed that certain of the members in Canada of the said church may be invested with corporate powers, and it is expedient to grant their prayer: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The present members of the Board of Brethren, who, for ^{Incorpora-} the time being, are appointed to superintend the secular and ^{tion.} spiritual concerns of the Canadian District of the Northern Province of the Moravian Church in America, to wit, the Right Reverend Clement Hoyler, of Strathcona, the Reverend Emile Suemper, of Calgary, and William Wensel, esquire, of Strathcona, all of the province of Alberta, and their successors, from time to time lawfully appointed in accordance with the constitution, rules and regulations of the said church, as the said constitution, rules and regulations now exist or may be hereafter modified or altered, are hereby constituted a corporation under the name of "The Board of Elders of the Canadian Dis- ^{Corporate} trict of the Moravian Church in America," hereinafter called ^{name.} "the Board."

Head office.

Branches.

Objects.

Power to make by-laws.

Powers to acquire and hold real property.

Limit as to value.

Disposal of real estate.

2. The head office of the Board shall be in the city of Strathcona, in the province of Alberta. The Board may, from time to time, by by-law, establish branch offices or agencies at any place in Canada or elsewhere.

3. The objects of the Corporation shall be the maintenance and carrying on of parishes or missions, the erection, maintenance and conduct of churches, cemeteries, schools, colleges, orphanages and hospitals in any of the provinces of Canada, and the advancement in other ways of education and religion, charity and benevolence.

4. The Board may, from time to time, make by-laws, not contrary to law nor inconsistent with the constitution, rules and regulations of the Moravian Church in America, for:—

(a) the administration, management and control of the property, business, and other temporal affairs of the Canadian District of the Northern Province of the Moravian Church in America;

(b) the appointment, functions, duties and remuneration of all officers, agents and servants of the Board;

(c) the appointment of committees and their duties;

(d) the calling of meetings, regular or special, of the Board or of committees;

(e) the fixing of the necessary quorum and procedure in all things at such meetings;

(f) generally, for the carrying out of the objects and purposes of the Board.

5. The Board may purchase, take, have, hold, receive, possess, retain and enjoy, property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein whatsoever, given, granted, devised, or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for, or in favour of the uses and purposes of the Board or of the Moravian Church in America, or to, for, or in favour of any eleemosynary, educational, religious or other institution established or intended to be established, by, under the management of, or in connection with the work of the Board or of the Moravian Church in America.

2. The annual value of the real estate held in Canada by or in trust for the Board shall not exceed fifty thousand dollars.

3. The Board shall, within ten years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the use and occupation of the Board, but nothing herein contained shall be deemed in anywise to vary or otherwise affect any trust relating to such property.

6. The Board may also sell, convey, exchange, alienate, ^{Investment in and disposal of real property.} mortgage, lease or demise any real property held by the Board, whether by the way of investment for the uses and purposes mentioned in the next preceding section or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property in any part of Canada; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Board or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

7. In regard to any real property which, by reason of its ^{Application of Dominion and Provincial mortmain laws.} situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act: but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Board.

8. In so far as authorization by the Parliament of Canada ^{Authority for transfer of property held in trust.} is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Board to be held in such trust, if any.

9. Any deed or other instrument relating to real estate ^{Execution of deeds} vested in the Board or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there are affixed thereto the seal of the Board and the signature of any officer of the Board duly authorized for such purpose or of his lawful attorney.



8-9 EDWARD VII.

CHAP. 113.

An Act respecting the National Accident and Guarantee Company of Canada.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to 1907, c. 109 grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything in *The Insurance Act*, chapter 109 of the statutes of 1907, incorporating the National Accident and Guarantee Company of Canada, shall be deemed not to have expired and ceased to be in force after the twenty-first day of March, one thousand nine hundred and nine, but to have continued and to be in force.

2. The Minister of Finance may, at any time not later than the twenty-first day of March, one thousand nine hundred and ten, under and subject to the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament, grant to the said Company the license necessary for carrying on business.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 114.

An Act respecting the Niagara-Welland Power Company.

[Assented to 19th May, 1909.]

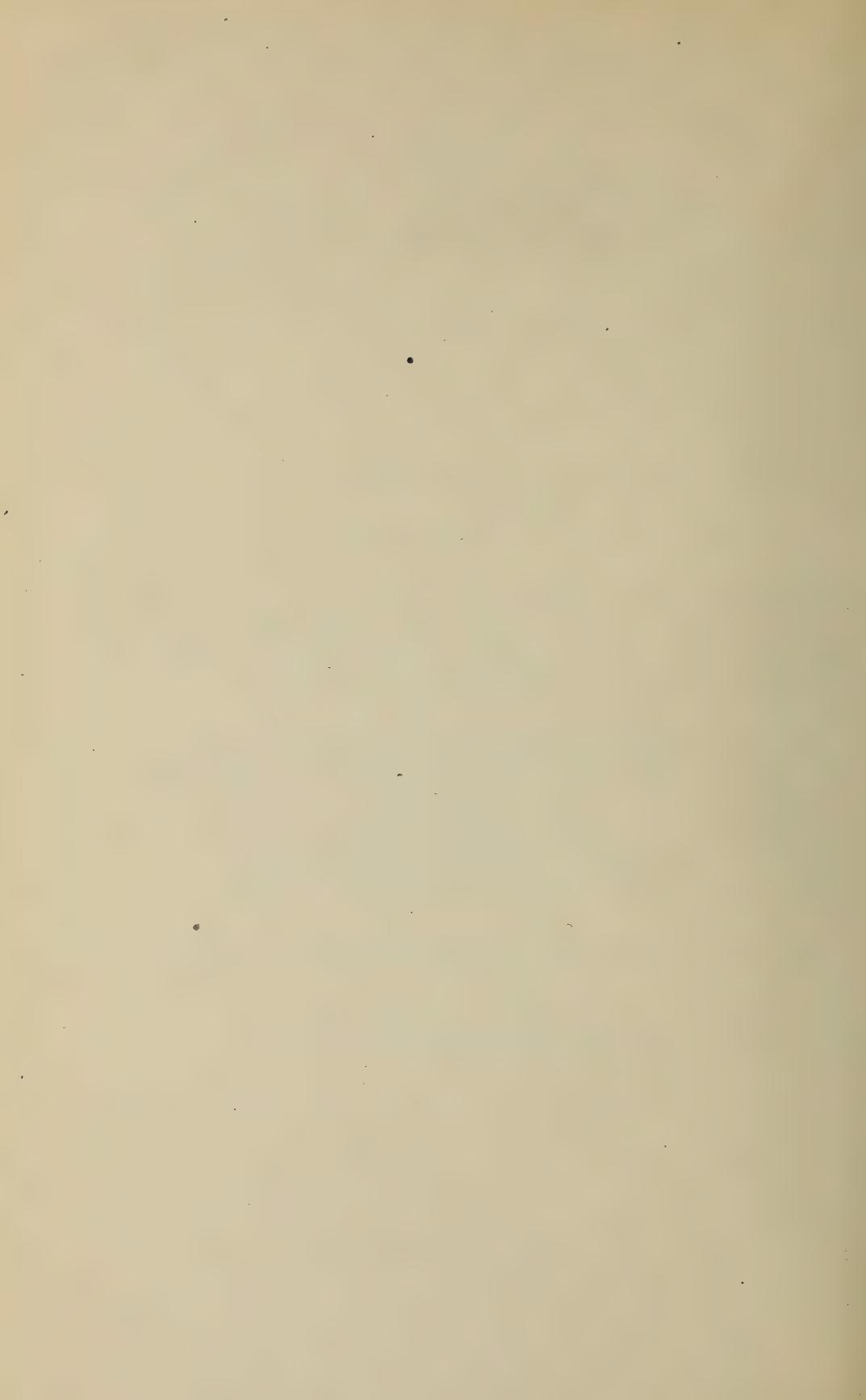
WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, ^{1899, c. 129;} ^{1903, c. 163;} by and with the advice and consent of the Senate and House of ^{1905, c. 133.} Commons of Canada, enacts as follows:—

1. The works of the Niagara-Welland Power Company may be completed within five years from the sixteenth day of May, nineteen hundred and ten; and if the said works are not then completed the powers granted to the said Company by Parliament shall cease and be null and void except as to such portion of the said works as has been commenced or completed, and as to any rights which have been acquired, before the expiration of the said period.

2. Section 4 of chapter 133 of the statutes of 1905 is repealed.

^{1905, c. 133}
^{amended.}

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8-9 EDWARD VII.

CHAP. 115.

An Act to incorporate the Ontario and Michigan Power Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Thomas Sturgis, of the city of New York, in the state of Incorporation New York, and J. C. Hunter, of the city of Duluth, in the state of Minnesota, in the United States; Herman Finger, of the city of Port Arthur, in the province of Ontario; D. C. Cameron and J. D. McArthur, both of the city of Winnipeg, in the province of Manitoba, together with such persons as become shareholders in the company, are incorporated under the name of “The Corporate Ontario and Michigan Power Company,” hereinafter called “the name Company.”

2. The persons named in section 1 of this Act are constituted Provisional directors provisional directors of the Company.

3. The capital stock of the Company shall be five hundred Capital stock thousand dollars.

4. The head office of the Company shall be at the city of Head office Port Arthur, in the province of Ontario, or such other place as may be fixed by by-law of the Company.

5. The annual meeting of the shareholders shall be held on Annual meeting the first Monday in June in each year, or at such other date as is fixed by by-law of the Company.

Directors.

6. The number of directors shall not be less than five nor more than nine, one or more of whom may be paid directors.

Powers.

7. The Company may—

(a) acquire, develop, improve, maintain and operate water-powers, use, supply and sell water-power for any purpose, by any means of application, generate, by means of water-power or otherwise, electricity, heat, light and any other form of energy, and transmit the same by any means to, and subject to the provisions hereinafter contained, supply and sell the same for use in any manner at, any place in Canada and the United States, and subject to the provisions of *The Electricity and Fluid Exportation Act* as hereinafter provided;

(b) construct, maintain and operate all necessary works, dams, wing dams, canals, intakes, tail-races, channels, conduits, tunnels, transmission lines, structures, buildings, machinery, plant, appliances, instruments and devices, and erect and maintain poles and towers, and lay and maintain pipes, cables, wires or other conductors, and connect them with similar lines in other provinces and in the United States;

(c) manufacture, buy, sell and deal in wood, pulp, paper and articles made therefrom, machinery, engines, motors, electrical apparatus and supplies, and engage in a general manufacturing business;

(d) acquire such lands, easements, privileges, water and water rights as are necessary for the purposes of its undertaking: Provided that under this section, the Company may acquire or develop water-powers on the following rivers only, namely the Pigeon river in the province of Ontario and state of Minnesota, and the Nepigon river, in the district of Thunder Bay, in the province of Ontario, and at one place only on each of the said rivers.

Proviso.

Telegraphs
and
telephones.

8. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines in connection with its works, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines on its own property only or exchanging or transmitting messages may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Tolls.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R. S., c. 126.

3. Part II. of *The Telegraphs Act* shall apply to the telegraphic business of the Company.

9. The Company may enter into, and carry into effect, ^{Agreements with} any agreement with the council of the corporation of any ^{municipalities.} municipality for the supply of water-power, gas, compressed air, electricity, heat, light, or other energy, for any purpose for which the same can be used, by such municipality or any inhabitant thereof, and upon such terms as are agreed upon.

10. The Company shall not enter within the limits of any ^{Consent of municipality} _{necessary.} municipality with any transmission line or sell or distribute electrical or other power therein without the consent of such municipality expressed by by-law.

11. None of the powers conferred by this Act shall be exercisable within the limits of the city of Port Arthur or of the city of Fort William or other cities in Canada unless a by-law has been submitted to its qualified ratepayers and duly passed by them authorizing the exercising of such powers within its limits.

12. In case of any dispute or difference as to the price to be charged for power or electrical or other energy, for any of the purposes in this Act mentioned, in use or to be provided for use upon the Canadian side of the international boundary, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, electrical or other energy produced by the Company, or upon the application of the Company.

13. Except as in this Act otherwise expressly provided the ^{1907, cc. 14} provisions of *The Electricity Inspection Act, 1907*, and of ^{and 16 to apply.} *The Electricity and Fluid Exportation Act* shall apply to the Company and its undertaking.

14. The construction of the works of the Company shall be commenced within three years and completed within six years after the passing of this Act, otherwise the powers hereby granted shall cease as respects so much of the said works as then remains uncompleted.

15. The Company may issue bonds, debentures or other ^{Issue of securities} securities to an amount not exceeding five million dollars.

16. The powers conferred upon the Company by this Act ^{Limitation of powers.} shall not be exercisable until the Company has first submitted the plans showing such works to, and received the assent and approval of, the Governor in Council; and the Company shall ^{Approval of plans by Governor in} not proceed with any works upon the Pigeon river until it has ^{also}

Council and
Waterways
Commission

Application
of R.S., c. 37.

Expropria-
tion powers.

Existing
rights.

R.S., c. 79.

also submitted the plans showing such works to, and obtained the approval of, the Waterways Commission.

17. *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the Company and to its undertaking.

2. Wherever in *The Railway Act* the word "company" occurs, it shall include the Company hereby incorporated.

3. Wherever in *The Railway Act* the word "railway" occurs, it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or to the Company, mean the works authorized by this Act to be constructed.

4. Wherever in *The Railway Act* the word "land" occurs, it shall include any privilege or easement required by the Company for constructing or operating the works authorized by this Act, under, over or along any land, without the necessity of acquiring a title in fee simple.

5. The expropriation powers hereby conferred upon the Company shall not be exercised by it until the plans mentioned in section 16 of this Act have received the approval therein provided for; and with respect to any land upon the Nepigon river shall not be exercised, except as to such lands as may be required for the purposes of its transmission lines only, and shall not apply to any water-powers upon the Nepigon river.

6. The said expropriation powers shall not be exercised as to any dams or storage now existing, or any dams or other works for storage (or any storage) hereafter created, with which such dams or works for storage might interfere.

18. Part II. of *The Companies Act* shall not apply to the Company.

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8-9 EDWARD VII.

CHAP. 116.

An Act respecting the Ontario, Hudson's Bay and Western Railways Company.

[Assented to 19th May, 1909.]

WHEREAS the Ontario, Hudson's Bay and Western Railways Company has by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The construction of the railway of the Ontario, Hudson's Bay and Western Railways Company may be commenced, and fifteen per cent on the amount of its capital stock be expended thereon, within two years after the passing of this Act, and the railway may be completed and put in operation within five years after the passing of this Act; and if the railway is not so commenced and such expenditure is not made, or if the railway is not completed and put into operation, within the said respective periods, the powers for the construction thereof granted by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

2. Section 1 of chapter 114 of the statutes of 1907 is hereby repealed.

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8-9 EDWARD VII.

CHAP. 117.

An Act respecting the Ottawa Fire Insurance Company and to change its name to Ottawa Assurance Company.

[Assented to 19th May, 1909.]

WHEREAS the Ottawa Fire Insurance Company has by Preamble, its petition prayed that it be enacted as hereinafter set 1904, c. 110. forth and it is expedient to grant the prayer of the said petition: therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The name of the Ottawa Fire Insurance Company, ^{Change of name.} hereinafter called "the Company," is hereby changed to "Ottawa Assurance Company"; but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing either by, or in favour of or against the Company, which, notwithstanding such change ^{Saving of rights.} in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.
2. Section 12 of chapter 110 of the statutes of 1904 is hereby ^{1904, c. 110.} amended by adding to the first subsection thereof after the ^{s. 12} word "forms" the following words, namely:—"and may also carry on the following additional classes of insurance, namely, ^{Additional classes of business.} cyclone or tornado insurance, inland marine insurance and inland transportation insurance."
3. The Company shall not exercise the enlarged powers ^{Increase of capital before commencement of new business.} given by this Act, unless the subscribed capital has been increased to at least four hundred thousand dollars and the amount paid thereon in cash has been increased to at least two hundred thousand dollars: but the Company may transact—

(a) the business of insuring yachts and motor boats upon the inland navigable waters of Canada, as soon as the subscribed capital has been increased to three hundred thousand dollars and the amount paid thereon to one hundred and fifty thousand dollars;

(b) the business of inland transportation insurance, as soon as a further sum of twenty thousand dollars capital stock has been subscribed and a further sum of ten thousand dollars paid thereon;

(c) the business of cyclone and tornado insurance, as soon as the sum of twenty thousand dollars capital has been subscribed in addition to the sums hereinbefore mentioned in this section, and a further sum of ten thousand dollars has been paid thereon; and—

(d) in each case, not until a license for the transaction of that branch of business has been obtained under the provisions of *The Insurance Act*.

And license
to be
obtained.

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8-9 EDWARD VII.

CHAP. 118.

An Act respecting the Ottawa, Northern and Western Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to 1899, c. 83; grant the prayer of the said petition: Therefore His Majesty, by 1901, c. 80; and with the advice and consent of the Senate and House of 1902, c. 89; Commons of Canada, enacts as follows:— 1903, c. 173; 1904, c. 111; 1905, c. 142

1. The Ottawa, Northern and Western Railway Company Time for may commence the construction of the extension of its main construction of railway line from Maniwaki to a point at or near James Bay, authorized extended. by paragraph (a) of section 11 of chapter 87 of the statutes of 1894, and the extension authorized by paragraph (b) of the said section, within two years after the passing of this Act, and may complete the said extensions and put them in operation within five years after the passing of this Act; and if the said extensions are not so commenced, or are not completed and put in operation, within the said periods respectively, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said extensions as then remains uncompleted.

2. Chapter 83 of the statutes of 1899, and chapter 111. of Repeal. the statutes of 1904, are hereby repealed.

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8-9 EDWARD VII.

CHAP. 119.

An Act for the relief of Frank Parsons.

[Assented to 19th May, 1909.]

WHEREAS Frank Parsons, of the municipality of West-Preamble. Bourne, in the province of Manitoba, locomotive engineer, has by his petition alleged, in effect, that on the seventh day of November, A.D. 1898, at the township of Hope, in the county of Durham, province of Ontario, he was lawfully married to Ellen Weller; that she was then of the village of Janetville, in the said county, a spinster; that his legal domicile was then and is now in Canada; that on the thirtieth day of January, A.D. 1902, at Stonewall, in the province of Manitoba, she went through form of marriage with John David Edgar Hetherington, and has since then been living in adultery with the said Hetherington, and was so living with the said Hetherington in the month of October, A.D. 1908, at Somerset, in the province of Manitoba; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Frank Parsons and Ellen Marriage dissolved. Weller, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to
marry again

2. The said Frank Parsons may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ellen Weller had not been solemnized.

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8-9 EDWARD VII.

CHAP. 120.

An Act for the relief of Mildred Gwendolyn Platt Patterson.

[Assented to 19th May, 1909.]

WHEREAS Mildred Gwendolyn Platt Patterson, presently *Preamble.* residing at the city of Toronto, in the province of Ontario, wife of Charles Colebrooke Patterson, of the city of Ottawa, in the province of Ontario, has by her petition alleged, in effect, that they were lawfully married on the first day of September, A.D. 1902, at the city of Ottawa, in the province of Ontario, she then being Mildred Gwendolyn Platt Church, spinster; that the legal domicile of the said Charles Colebrooke Patterson was then and is now in Canada; that at the city of Ogdensburg, in the state of New York, one of the United States of America, on or about the fourth and fifth days of July, A.D. 1908, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Mildred Gwendolyn Platt *Marriage dissolved.* Church and Charles Colebrooke Patterson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to
marry again.

2. The said Mildred Gwendolyn Platt Church may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Charles Colebrooke Patterson had not been solemnized.

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8-9 EDWARD VII.

CHAP. 121.

An Act to incorporate the Prairie Provinces Trust Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Major Duncan Stuart, lately of the city of Johannesburg, in the province of the Transvaal, O. W. Owens, of the city of London, England, John A. McDougall, Richard Secord and Robert Lee, all of the city of Edmonton, in the province of Alberta, Alexander Stuart, Thomas K. Pool and William F. Roome, all of the city of London, Ontario, together with such other persons as become shareholders in the company hereby created, are hereby constituted a body corporate under the name of "The Prairie Provinces Trust Company," hereinafter called Incorporation. Corporate name

2. The affairs of the Company shall be managed by a Board Directors. of not less than five nor more than twenty directors, of whom a majority shall be a quorum, and the persons named in section 1 Provisional directors. of this Act shall be the provisional directors of the Company.

3. The head office of the Company shall be at the city of Head office. Edmonton, in the province of Alberta.

2. The directors may establish branch offices and local Branches. advisory boards at such other places in the provinces of Alberta, Saskatchewan and British Columbia and in the Yukon Territory as they may determine.

Capital stock.

4. The capital stock of the Company shall be one million dollars divided into shares of one hundred dollars each.

When business may be commenced.

5. The Company shall not commence business until four hundred thousand dollars of the capital stock have been subscribed and one hundred thousand dollars have been paid thereon.

Qualification of directors.

6. No shareholder shall be eligible for election as a director unless he holds in his own right at least twenty shares of stock upon which all calls made and due have been paid; and if any director makes an assignment for the benefit of creditors or comes within the operation of any insolvency law then in force, or ceases to hold twenty shares in his own right, he shall *ipso facto* cease to be a director and his place may be filled for the remainder of the term by the directors from among the qualified shareholders of the Company.

Calls on stock.

7. Calls on stock may be made by the directors at such times and in such proportions as they deem proper; but no call except the first shall exceed ten per cent and no call shall be made at a less interval than one month from the last preceding call.

Business of company.

Trust money.

Trustee.

8. The Company may throughout Canada:—

(a) receive and hold moneys in trust for the purposes herein specified, and invest and accumulate the same at such rates of interest as may be obtained therefor;

(b) accept and execute all such trusts of every nature and description as are entrusted to it by any person or government, or as are committed or transferred to the Company by any order, judgment or decree of any court in Canada or elsewhere; accept and execute the office of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator or committee of a lunatic; and perform the duties of such offices and trusts as fully and completely as any person so appointed could do; and in all cases where application is made to any court, judge, officer or person having authority to make an appointment to any such office or trust, such court, judge, officer or person may appoint the Company with its consent to hold such office or trust and may substitute, if necessary, for any obligation required from a private person appointed to such offices such usual obligations as are applicable to corporations, and may fix the remuneration of the Company;

(c) take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise, any real or personal estate upon any lawful trusts, and perform and execute such trusts according to the terms and for the purposes declared, established or agreed upon;

Holding of property.

(d) accept from and execute trusts for married women in respect of their separate property, real or personal, and act as agents for them in the management of such separate property;

(e) on such terms and conditions as are agreed upon, guarantee repayment of the principal, or payment of the interest, or both, of any money entrusted to the Company for investment;

(f) act as agents for the purposes of issuing, countersigning, registering, or otherwise ascertaining and certifying to the genuineness of, any issue of stock, bonds, debentures or other obligations or securities for money, of any government, municipal or other corporate body or society, duly authorized to make and issue the same; and hold the said securities as agent or trustee, and act generally as fiscal or other agent for any such government or corporate body or society;

(g) act as agent or attorney for managing estates, winding-up estates, receiving or collecting rents or any principal, interest, or other moneys, secured by mortgages, debentures, coupons or other securities, or any principal or interest or any debt evidenced by any bills or notes or otherwise, or any other debt or demand of any nature or kind whatsoever, and in the sale or purchase of any real or personal property; and generally act in all matters in the nature of a trust or general agency;

(h) act as investing or managing agents of estates and properties for and on behalf of executors, administrators and trustees or other persons;

(i) be the custodian, on such terms as are agreed upon, of any jewellery, plate or other valuable property and of wills, deeds, mortgages, debentures and other evidences of title or indebtedness;

(j) receive and collect such remuneration for services of the Company as is agreed upon or as is previously fixed from time to time by its by-laws, and all usual and customary charges, costs and expenses.

9. The Company shall invest trust moneys as follows, and may manage, sell or dispose of such investments as the terms of the trust require,—

(a) upon first mortgages of improved freehold property in Canada, and may accept personal property or covenants by way of collateral security thereto;

(b) in the stock, funds or government securities of Canada, or of any province of Canada, or of the United States, or guaranteed thereby respectively, or in bonds or debentures of any municipal corporation in any such province, other than municipal corporations having a population of less than two thousand inhabitants or an annual rate of assessment exceeding two cents on the dollar, exclusive of school tax, or in the bonds and debentures of any school district in any such province, or in any

public

public stock, funds or government securities of the United Kingdom, or any of the colonies or dependencies thereof;

(c) in such securities as are specified by the terms of the trust or by the order, judgment or decree of a court or judge.

2. Nothing in this section shall prevent the Company from holding securities of any other kind which form or are part of any trust estate which comes into its hands; and it may hold such securities subject to the trusts and legal obligations attached thereto; but in the case of the realization of any portion thereof the proceeds shall be invested as herein directed, unless the will, deed, order or instrument creating the trust has provided otherwise.

On securities
specified
by court.

Existing
securities.

Trust money
to be kept
separate.

Proviso as to
a general
trust fund.

Trust
property not
liable for
debts of
company.

Account of
administra-
tion.

10. The moneys and securities of all such trusts shall always be kept distinct from those of the Company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the Company, so that at no time shall trust moneys form part of or be mixed with the general assets of the Company, and the Company shall, in the receipt of rents and in the overseeing and management of trusts and other property keep distinct records and accounts of all operations connected therewith: Provided that in the management of the moneys and properties held by the Company as trustee, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the authority making the appointment otherwise directs, invest trust money, in the manner provided by section 9 of this Act, in a general trust fund of the Company: Provided always that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed three thousand dollars.

11. Moneys, properties and securities received or held by the Company upon trust or as agent shall not be liable for the debts or obligations of the Company.

12. In case of the appointment of the Company to any trust or office by any court in Canada, or by any judge, officer or person having lawful authority in that behalf, such court, judge, officer or person may, from time to time, require the Company to render an account of its administration of the particular trust or office to which it has been appointed, and may from time to time appoint a suitable person or suitable persons to investigate the affairs and management of the Company, and as to the security afforded to those by or for whom its engagements are held, and every one so appointed shall report thereon to such court, judge, officer or person, and the expenses of such investigation shall be borne as ordered by such court, judge, officer or person.

13. The Company may hold such real estate as is necessary for the transaction of its business, not exceeding the net yearly value of ten thousand dollars, and may hold any further real estate of whatever value which, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may, from time to time, sell, mortgage, lease or otherwise dispose thereof; but the Company shall sell any real estate acquired in satisfaction of any debt due to itself, other than as trustee or in an official capacity, within seven years after such acquisition, unless such time is extended by order of the Governor or in Council, otherwise such real estate shall revert to His Majesty for the use of Canada.

14. The Company may invest any moneys forming part of its own capital or reserve, or accumulated profit thereon, in any of the securities mentioned in section 9 of this Act, or on the security of real estate in Canada, or of any interest in such real estate, or on the security of the debentures, bonds, stock and other securities of any chartered bank or Company incorporated by or under the authority of the Parliament of Canada, or of the legislature of any province of Canada, as the directors deem expedient.

15. Nothing in this Act shall be construed to authorize the Company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the note of a bank, or to engage in the business of banking or of insurance.

16. The powers and authority hereby granted to the Company shall be exercised in any province subject to the laws of such province in that behalf, and shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of that province.

17. The Company shall prepare, and annually transmit to the Minister of Finance, a statement in duplicate, verified by the oath of the president or vice-president and of the manager or secretary. The statement shall set forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company, the trust property held by it, and such other details as the Minister requires, and shall be made up to the thirty-first day of December in each year.

18. Sections 125, 141 and 165 of *The Companies Act* shall not apply to the Company.

19. The powers granted by this Act shall expire and this Act shall cease to be in force at the end of two years from the

Application
of R.S.,
c. 79.

Duration
of powers.

passing thereof, unless the Company goes into actual operation within such two years.

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8-9 EDWARD VII.

CHAP. 122.

An Act to incorporate the Prince Albert and Hudson Bay Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Henry Charles Hamelin, George Russell, Peter David ^{Incorporation} Tyreman and Francis William Halliday, all of the city of Prince Albert, in the province of Saskatchewan, and Frederick Engen, of the city of Saskatoon, in the said province, together with such persons as become shareholders in the company, are incorporated under the name of "The Prince Albert and Hudson ^{Corporate} Bay Railway Company," hereinafter called "the Company."^{name}
2. The capital stock of the Company shall be one million ^{Capital} dollars. No one call thereon shall exceed ten per cent on the ^{stock.} shares subscribed.
3. The persons named in section 1 of this Act are constituted ^{Provisional} ^{directors} provisional directors of the Company.
4. The head office of the Company shall be in the city of ^{Head office.} Prince Albert, in the province of Saskatchewan.
5. The annual meeting of the shareholders shall be held on ^{Annual} ^{meeting} the first Tuesday in September.
6. The number of directors shall be not less than five nor ^{Directors} more than nine, one or more of whom may be paid directors.

Line of
railway
described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the city of Prince Albert, thence crossing the Saskatchewan River, and thence in a northeasterly direction by the most feasible route to a point at or near the mouth of the Nelson River, on Hudsons Bay, or to York Factory.

Vessels.

8. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels to convey cargoes and travellers on all navigable waters touched or reached by the said railway, and construct, acquire and maintain docks, warehouses, wharfs, blocks, slips and piers in all places on its railway or in connection with it.

Docks.

Warehouses.

9. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Electric or
other power.

10. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy which may be transmitted and delivered to any place in the district through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Rates and
charges.Consent of
municipali-
ties.

11. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

Telegraphs
and
telephones.

12. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or ex-

changing or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time. Tolls.

3. Part II. of *The Telegraphs Act*, except such portions R.S., c. 126. thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company.

13. The Company may construct, acquire or rent buildings Buildings. along its railway, and build, own and operate or otherwise utilize hotels, restaurants and all businesses in connection with them necessary for the comfort and accommodation of travellers.

14. The Company may, subject to the provisions of *The Railway Act* and subject also to the order of the Board of Railway Commissioners for Canada, construct or arrange any of its railway bridges for the use of foot passengers and carriages, and in such cases the tolls to be charged for the passage of foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may from time to time be revised, by the said Board, but the Company may, at any time, reduce the tolls, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge. Use of bridge by foot passengers and carriages. Tolls.

15. The securities issued by the Company shall not exceed twenty-five thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed. Issue of securities.

16. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with the Canadian Northern Railway Company and the Canadian Pacific Railway Company, or either of them, for any of the purposes specified in the said section 361. Agreements with other companies.



8-9 EDWARD VII.

CHAP. 123.

An Act respecting the Prudential Life Insurance Company of Canada, and to change its name to "The Security Life Insurance Company of Canada."

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1907, c. 120. grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything in section 69 of *The Insurance Act*, chapter 120 of the statutes of 1907, incorporating the Prudential Life Insurance Company of Canada, shall be deemed not to have expired and ceased to be in force after the 27th April, 1909, but to have continued and to be in force.

2. The Minister of Finance may, at any time not later than the 27th April, 1911, under and subject to the provisions of *The Insurance Act*, and of any Act in amendment thereof, grant to the said Company the license necessary for carrying on business.

3. The name of the Prudential Life Insurance Company of Canada, is hereby changed to "The Security Life Insurance Company of Canada," but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, or judgment existing, either by or in favour of, or against the Company, which, notwithstanding such change in the name of the Company may be prosecuted, continued, completed and enforced as if this Act had not been passed.



8-9 EDWARD VII.

CHAP. 124.

An Act to incorporate the Prudential Trust Company, Limited.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Frederick Albert Emerson and George Bowles, both of the ^{Incorpora-} city of Winnipeg, in the province of Manitoba; Alexander David ^{tion.} Crooks, Samuel Hugh Bradford and W. J. Green, of the city of Toronto, in the province of Ontario; together with such persons as become shareholders in the company, are incorporated under the name of "Prudential Trust Company, Limited," hereinafter ^{Corporate} ^{name.} called "the Company."

2. The persons named in section 1 of this Act shall be the ^{Provisional} ^{directors.} provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive ^{Powers.} payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Company, and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company.

3. The capital stock of the Company shall be one million ^{Capital} five hundred thousand dollars, divided into shares of one hundred ^{stock.} dollars each.

Head office

4. The head office of the Company shall be at the city of Montreal, in the province of Quebec, but the directors may establish branch offices and local advisory boards at such other places in Canada or elsewhere as they determine.

Commencement of business.

5. The Company shall not commence business until two hundred thousand dollars of the capital stock have been subscribed, and seventy-five thousand dollars paid thereon: Provided, however, that in the event of the Company amalgamating with or purchasing the business of the Prudential Trust Company of Manitoba, Limited, herein called "the Manitoba Company," the provisional directors may exchange for the stock of the Manitoba Company stock in the Company of the same amount and class, and having the same amount paid up thereon, and thereupon the Company may commence business, and all the rights in so far as they are not inconsistent with or in excess of the powers conferred by this Act, property and obligations of the Manitoba Company shall be and become transferred to the Company, and all proceedings may be continued or commenced by or against the Company that might have been continued or commenced by or against the Manitoba Company, and the liability of the shareholders of the Manitoba Company to its creditors shall remain as at the time of its amalgamation with the Company.

Directors.

6. The affairs of the Company shall be managed by a board of not less than five nor more than twenty-five directors, a majority of whom shall be a quorum.

Qualification

2. No shareholder shall be eligible for election as a director unless he holds in his own right at least ten shares upon which all calls due have been paid; and if any director makes an assignment for the benefit of creditors or comes within the operation of any insolvent law then in force, or ceases to hold ten shares in his own right, he shall *ipso facto* cease to be a director, and his place may be filled for the remainder of the term by the directors from among the qualified shareholders of the Company.

Resolution signed by all directors.

3. The Company may by by-law provide that a resolution in writing signed by all the directors shall be as valid as if it had been passed at a meeting of the directors.

Calls on stock.

7. Calls on stock may be made by the directors at such times and in such proportions as they deem proper, but no call shall exceed ten per cent, and no call shall be made at a less interval than one month from the last preceding call.

Business of Company. Trust money.

8. The Company may—

(a) receive money in trust for the purposes herein specified, and invest and accumulate it at such lawful rates of interest as can be obtained therefor;

(b) accept and execute all such trusts of every description ^{Trustee.} and nature as are entrusted to it by any government or person, or committed or transferred to it by any order, judgment or decree of any court in Canada or elsewhere; execute the offices of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator or committee of a lunatic, and perform the duties of such offices or trusts as fully and completely as any person so appointed could do; and in all cases where application is made to any court, judge, officer or person having authority to make an appointment to any such office or trust, such court, judge, officer or person may appoint the Company, with its consent, to hold such office or trust, and may substitute, if necessary, for any obligations required from a private person appointed to such offices such usual obligations as are applicable to corporations, and may fix the remuneration of the Company, take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest, or otherwise, any real or personal estate upon any lawful trusts, and perform and execute them according to the terms and for the purposes declared, established, or agreed upon; accept from, and execute trusts for, married women in respect of their separate property, real or personal, and act as agent for them in the management of such separate property; guarantee repayment of the principal or payment of the interest, or both, of any moneys entrusted to the Company for investment, on such terms and conditions as are agreed upon; act as agents for countersigning, registering or otherwise ascertaining and certifying to the genuineness of any issue of stock, bonds, debentures or other securities for money of any government, municipal or other corporate body duly authorized to issue and make the said issue, and hold the said securities as agent or trustee; and act generally as fiscal or other agent for any such government or corporate body;

(c) act as agent or attorney for winding-up estates, receiving ^{Agent.} or collecting any principal, interest, rents, coupons, mortgages, debts, debentures or other securities or evidences of debt or demands of any nature, and in the sale or purchase of any real or personal property, and generally act in all matters in the nature of a trust or general agency;

(d) be the custodian, on such terms as are agreed upon, of ^{Custodian.} any jewellery, plate and other valuable property, and of deeds, wills, debentures, and other evidence of title or indebtedness;

(e) act as investing and managing agent of estates and properties for and on behalf of executors, administrators and trustees, or other persons; ^{Management of estates.}

(f) receive and collect such remuneration for its services as ^{Remuneration.} is agreed upon or as fixed from time to time or allowed by law, and all usual and customary charges, costs and expenses;

(g) receive moneys for investment and allow interest thereon ^{Investments.} for a reasonable time until invested;

Securities for debts. (h) take securities of such nature as are deemed expedient for any moneys owing to the Company;

Rights, privileges and concessions from governments. (i) obtain from any government any rights, privileges and concessions which the Company thinks it desirable to obtain, and carry out, exercise and comply with any such rights, privileges and concessions, not inconsistent with the provisions of this Act or of any other Act of the Parliament of Canada;

Real estate which may be held. (j) hold such real estate as is necessary for the transaction of its business, not exceeding the net yearly value of fifteen thousand dollars, and any further real estate of whatever value which, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and from time to time sell, mortgage, lease or otherwise dispose thereof; but the Company shall sell any real estate acquired in satisfaction of any debt due to itself, other than as trustee or in an official capacity, within seven years after such acquisition, unless such time is extended by order of the Governor in Council, otherwise such real estate shall revert to His Majesty for the use of Canada.

Investment of trust moneys. 9. The Company shall invest trust moneys as follows, and may manage, sell or dispose of such investments as the terms of the trust requires,—

Mortgages of real estate. (a) upon first mortgages of or hypotheces upon improved freehold property of ample value in Canada, the British Empire or in the United States, and may accept personal property or covenants by way of collateral security thereto: Provided, however, that investments in any country other than Canada shall be limited to moneys received from such country;

Stock and securities. (b) in the stock, funds of government securities of Canada, or of any province of Canada, or of the United States, or guaranteed thereby respectively, or in bonds or debentures of any municipal corporation in any such province other than municipal corporations having a population of less than two thousand or an annual rate of assessment exceeding two cents on the dollar exclusive of school tax, or in the bonds and debentures of any school district in any such province, or in the public stock, funds or government securities of the United Kingdom, or of any of the colonies or dependencies thereof;

Securities specified by trust. (c) in such securities as are authorized by the terms of the trust.

Existing securities. 2. Nothing in this section shall prevent the Company from holding securities of any other kind which form or are part of any trust estate which comes into its hands; and it may hold such securities subject to the trusts and legal obligations attached thereto; but in the case of the realization of any portion thereof the proceeds shall be invested as herein directed, unless the will, deed, order, or instrument creating the trust provides otherwise.

10. The moneys and securities of any such trust shall always be kept distinct from those of the Company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the Company, so that at no time shall trust moneys form part of or be mixed with the general assets of the Company; and the Company shall, in the receipt of rent, and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith: Provided that in the management of the ^{Investment} money and property held by the Company as trustee, or in any ^{of funds.} other official capacity, under the powers conferred by this Act, the Company may, unless the authority making the appointment otherwise directs, invest the trust money in the manner provided by section 9 of this Act in a general trust fund of the Company; provided always that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed three thousand dollars.

11. Moneys, properties and securities received or held by the Company upon trust or as agent shall not be liable for the debts or obligations of the Company.

^{Trust property not liable for debts of Company.}

12. The Company may invest any moneys forming part of its own capital or reserve or accumulated profit thereon in any of the securities mentioned in section 9 of this Act, or on the security of real estate in Canada, or any interest in such real estate, or on the security of the debentures, bonds, stock and other securities of any chartered bank or company incorporated by or under the authority of the Parliament of Canada, or of the legislature of any province, as the directors deem expedient.

13. In case of the appointment of the Company to any trust or office by any court in Canada, or any judge, officer, or person having lawful authority in that behalf, such court, judge, officer or person may, from time to time, require the Company to render an account of its administration of the particular trust or office to which it has been appointed, and may from time to time appoint a suitable person to investigate the management of such particular trust by the Company, and as to the security afforded to those by or for whom its engagements are held, and such person shall report thereon to such court, judge, officer or person, and the expenses of such investigation shall be borne as ordered by such court, judge or officer thereof.

14. Nothing in this Act shall be construed to authorize the Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a ^{Note issue prohibited.} ^{Banking prohibited.} bank, or to engage in the business of banking or of insurance.

Provincial
laws to
govern.

15. The powers and authority hereby granted to the Company shall be exercised in any province subject to the laws of such province in that behalf, and shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of that province.

Annual
statement to
be given to
Minister of
Finance.

16. The Company shall prepare, and annually transmit to the Minister of Finance, a statement in duplicate, verified by the oath of the president or vice-president and of the manager or secretary, setting forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company, the trust property held by it, and such other details as the Minister requires, and such statements shall be made up to the thirty-first day of December in each year.

R.S., c. 79.

17. Part II. of *The Companies Act*, except sections 125, 141 and 165 thereof, shall apply to the Company, but section 134 thereof shall, so far as relates to the Company, be read as if the words "other than a trust company," in lines one and two thereof, did not occur in the said section.

Forfeiture of
charter by
non-user.

18. The powers granted by this Act shall expire, and this Act shall cease to be in force at the end of two years from the passing thereof, unless the Company goes into actual operation within such two years.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 125.

An Act respecting the Quebec and New Brunswick Railway Company.

[Assented to 19th May, 1909.]

WHEREAS the Quebec and New Brunswick Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 8 of chapter 75 of the statutes of 1900 is amended by substituting for the word “twenty” in the second line thereof the words “thirty-five.”

2. Section 7 of chapter 75 of the statutes of 1900, as amended by sections 3 and 4 of chapter 149 of the statutes of 1908, is hereby further amended by adding thereto the following subsection:—

“3. The Company may also lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on its railway authorized by chapter 75 of the statutes of 1900, at or near Connor Station in New Brunswick, to Centreville by the most convenient route in the neighbourhood of the international boundary line, thence to Woodstock, and from Woodstock by the St. John River valley to the city of St. John, passing through the counties of Madawaska, Victoria, Carleton, York, Sunbury, Queens, Kings and St. John, in the province of New Brunswick.”

3. The Company may, within five years after the passing of this Act, construct and complete its railway as described in section 7 of chapter 75 of the statutes of 1900, in subsection 2 added thereto by section 4 of chapter 149 of the statutes of

1908, and in subsection 3 added thereto by section 2 of this Act; and if the said railway is not proceeded with and fifteen per cent of the capital stock of the Company is not expended thereon within two years after the passing of this Act, or if the said railway is not completed and put in operation within five years after the passing of this Act, then the powers of construction conferred upon the Company by Parliament shall cease and be null and void in respect to so much of the said railway as then remains uncompleted.

Repeal.

4. Section 1 of chapter 149 of the statutes of 1908 is hereby repealed.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 126.

An Act respecting the Quebec Oriental Railway Company.

[Assented to 19th May, 1909.]

WHEREAS the Quebec Oriental Railway Company, herein-^{Preamble.} after called "the Company," has, by its petition, prayed ^{Que., 1903, c. 82.} that it be enacted as hereinafter set forth, and it is expedient to ^{Que., 1905, c. 53.} grant the prayer of the said petition: Therefore His Majesty, by ^{Que., 1907, c. 122.} and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The annual meeting of the shareholders shall be held on ^{Annual meeting.} the first Wednesday in September.

2. The number of directors shall be not less than three, nor ^{Directors.} more than seven, one or more of whom may be paid directors. Unless otherwise fixed by by-law, the number of directors shall be five.

3. The Company may issue bonds, debentures or other ^{Issue of securities increased.} securities to the extent of forty-five thousand dollars per mile of the railways which the Company is authorized to construct or to acquire; but such bonds, debentures or other securities may be issued only in proportion to the length of the said railways constructed or under contract to be constructed, acquired or to be acquired.

4. The following subsections are hereby added to section 3 ^{s. 3, amended.} of chapter 122 of the statutes of 1907:—

"2. Subject to the provisions of section 80 of *The Railway Act* which may be applicable, the Company may, by by-law, from time to time, change the location of its head office to any place in Canada or in England.

Office in
England.

"3. The Company may, in any case, have an office in London, England, where the meetings of its shareholders and of its directors may also be held."

Extension of
time for
construction.

5. The Company may commence the construction of its railway, and expend fifteen per centum of the amount of its capital stock thereon within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, within the said periods respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Repeal.

2. Section 5 of chapter 122 of the statutes of 1907 is hereby repealed.

Power to
purchase
certain
railways.

R.S., c. 37,
1907, c. 122.
ss. 6, 7.

6. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act* and of sections 6 and 7 of chapter 122 of the statutes of 1907, the Company may purchase from the Royal Trust Company or owner or owners for the time being, and the Royal Trust Company or owner or owners for the time being may sell to the Company, the railways from Matapedia to Caplin and from Caplin to Paspebiac, in the province of Quebec, heretofore known as the Baie des Chaleurs section of the Atlantic and Lake Superior Railway Company, upon such terms and conditions as may be agreed upon between the Company and the Royal Trust Company or the owner or owners for the time being.

Nature of
purchase
price.

2. The purchase price of the railways referred to in subsection 1 of this section, may be in cash, or in bonds or debentures or debenture stock or other securities, or in capital stock of the Company, or partly in each or any of them, as may be agreed upon between the parties.

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8-9 EDWARD VII.

CHAP. 127.

An Act respecting the Quinze and Blanche River Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Quinze and Blanche River Railway Company shall, within two years after the passing of this Act, expend (including expenditure already made) an amount equal to fifteen per cent of its capital stock on its undertaking authorized by chapter 123 of the statutes of 1907, and may construct and complete at any time within five years from the passing of this Act the railway authorized by the said chapter 123; and if such expenditure has not been made prior to the expiration of the said period of two years, and if the said railway is not completed and put in operation within the said period of five years, the powers for constructing it granted to the said Company by the said Act and by this Act shall cease and be null and void with respect to so much of the said railway as then remains uncompleted.

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8-9 EDWARD VII.

CHAP. 128.

An Act for the relief of John Grant Ridout.

[Assented to 19th May, 1909.]

WHEREAS John Grant Ridout, of the city of Toronto, in the ~~Preamble~~ province of Ontario, civil servant, has by his petition alleged, in effect, that on the fourth day of April, A.D. 1899, at the town of Barrie, in the said province, he was lawfully married to Alice Mabel Callighen; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto they lived and cohabited until the twenty-sixth day of March, 1902; that in or about the year 1903 she went to the state of South Dakota, one of the United States of America, and there obtained, according to the law of that state, a decree of divorce from him; that, on the twenty-seventh day of June, A.D. 1908, at the city of New York, in the state of New York, one of the United States of America, she went through the form of marriage with one Lincoln A. Smith; that, at the town of Sioux Falls, in the said state of South Dakota, on the fifth day of July, A.D. 1908, she went through another form of marriage with the said Lincoln A. Smith; that she has since lived with the said Lincoln A. Smith as the wife of the said Lincoln A. Smith at the town of Port Hope, in the province of Ontario; that he has not connived at or condoned the said marriages; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Grant Ridout and Alice Mabel Callighen his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Grant Ridout may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Alice Mabel Callighen had not been solemnized.

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the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 129.

An Act to incorporate *La Compagnie du chemin de fer International de Rimouski.*

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Pierre E. D'Anjou, of Bic, Joseph Adam Talbot, Her-
ménégilde Lepage, Edouard Letendre, Louis Taché, Arthur Chamberland, Paul Raymond, J. Abraham Théberge, Napoléon Bernier, Louis N. Asselin, all of the town of Rimouski, and J. Ferdinand Demers, of the city of Lévis, in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of *La Com-
pagnie du chemin de fer International de Rimouski*, hereinafter called "the Company." Incorporation name.

2. The persons named in section 1 of this Act are constituted Directors. provisional directors of the Company.

3. The capital stock of the Company shall be three million Capital stock. dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

4. The head office of the Company shall be in the town of Head office. St. Germain de Rimouski.

5. The annual meeting of the shareholders shall be held on Annual meeting. the first Tuesday in September.

Directors.

6. The number of directors shall be not less than five, nor more than eleven, one or more of whom may be paid directors.

Line of
railway
described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Rimouski, in the province of Quebec, or from a point between the eastern limits of the said town and the Pointe-au-Père wharf, thence following the course of the Rimouski river to the middle of Duquesne township, thence westerly following the course of one of the tributaries of the lakes in the northern portion of Chenier township; thence in the direction of Lac des Aigles, in Biencourt township, thence following the course of the Biencourt river to the first Squateck lake, in Robitaille township, thence to the second Squateck lake and the Squateck river, in Auclair township, thence to the great Squateck lake, in Rouillard township, thence to the Owens river and the west branch of the Iroquois river, and thence to the town of Edmundston, on the St. John river, in the province of New Brunswick.

Special
powers.

8. The Company may construct, acquire and operate steam and other vessels for the transportation of freight and passengers on all navigable waters along or touched by its railway; and may construct and maintain docks, workshops, warehouses, wharfs, dry docks and piers at all points along its railway, or in connection therewith.

Consent of
municipali-
ties.

9. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Electric or
other power.

10. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the district through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Rates and
charges.

11. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing

of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

12. The Company may, subject to the provisions of *The Telegraphs Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

3. Part II. of *The Telegraphs Act*, except such portions R.S., c. 126. thereof as are inconsistent with this Act, or with *The Railway Act*, shall apply to the telegraphic business of the Company.

13. The Company may construct, acquire or lease buildings ^{Hotels.} for hotels and restaurants along its railway; and may carry on such business in connection therewith as tends to the comfort and convenience of the travelling public; and may lay out and manage parks and pleasure grounds, and lease them. ^{Parks.}

14. The securities issued by the Company shall not exceed ^{Issue of} _{securities.} thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

15. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with the Temiscouata Railway Company and the Canadian Pacific Railway Company, or either of them, for any of the purposes specified in the said section 361; and may enter into agreements with the Government of Canada with regard to the Intercolonial Railway and the National Transcontinental Railway.

16. The Company shall print its time-tables and bills of lading in both the English and French languages. ^{English and French languages.}



8-9 EDWARD VII.

CHAP. 130.

An Act respecting the Royal Victoria Life Insurance Company and to change its name to Royal Victoria Life Insurance Company of Canada.

[Assented to 19th May, 1909.]

WHEREAS the Royal Victoria Life Insurance Company has Preamble. by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: 1897, c. 81. Therefore His Majesty, by and with the advice and consent of 1907, c. 126. the Senate and House of Commons of Canada, enacts as follows:—

1. Section 7 of chapter 81 of the statutes of 1897 is hereby 1897, c. 81, repealed and in lieu thereof it is hereby enacted that the affairs s. 7 repealed and new provisions. of the Company shall be managed by a board of not less than Board of directors. eight nor more than twenty-four directors, of whom a majority shall be a quorum.

2. Section 3 of chapter 126 of the statutes of 1907 is hereby 1907, c. 126 amended. repealed.

3. The following subsections are hereby added to section 4 1907, c. 126, s. 4 amended. of the said chapter 126 as subsections 2, 3 and 4 thereof:—

“2. Until the full amount so available has been subscribed and issued and twenty per cent has been paid thereon, to be applied as in the next succeeding subsection specified, the liability of the shareholders shall remain the same as if no reduction had been made in the subscribed capital or in the amount paid up thereon and shall not be affected thereby, but so soon as the said stock has been subscribed and issued and twenty per cent has been paid thereon as aforesaid, the liability upon the shares issued prior to such reduction shall be reduced to the amount remaining actually unpaid upon the shares.

Division of payments.

“3. Of the twenty per cent paid on the shares mentioned in the next preceding subsection, one-half shall be credited as paid upon the shares and the balance shall be treated as a bonus and shall be held as and shall form part of the general funds of the Company.

Repayment of balance.

1897, c. 81,
s. 14.

“4. The said balance may, however, be repaid, but shall be repayable only out of the net profits derived from the business of the Company in the non-participating policies of insurance issued by the Company and out of ten per cent of the net profits derived from the business of the Company in the participating policies of insurance issued by the Company. The ninety per cent of the portion of the profits referred to in section 14 of chapter 81 of the statutes of 1897 and set apart as therein mentioned, shall in no case be liable for or be charged with, the repayment of the said balance, or of any portion thereof, or of interest thereon; and the said balance shall not, in any case or under any circumstances, form a liability of the Company as against the claims and interests of the policyholders in respect of profits or otherwise.”

Company's name changed.

4. The name of the company is hereby changed to “Royal Victoria Life Insurance Company of Canada,” but such change of name shall not in any way impair, alter or affect any right or obligation of the Company, nor in any wise affect any suit or proceeding now pending by or against the Company or any existing judgment in favour of or against the Company.

Application of Insurance Acts.

5. This Act, and the exercise of the powers hereby conferred, shall be subject to *The Insurance Act* and to any general Act relating to insurance passed during the present session of Parliament: and in any respect in which this Act is inconsistent with those Acts the latter shall prevail.

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to
the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 131.

An Act to incorporate the Salisbury and Albert Railway Company.

[Assented to 7th April, 1909.]

WHEREAS the rights, franchises, railway and property of Preamble. the Salisbury and Harvey Railway Company have been sold pursuant to the provisions of a sale made under the direction of a decretal order of the Supreme Court in Equity of the province of New Brunswick, made on the fifteenth day of August, one thousand eight hundred and ninety-nine, and also pursuant to the direction of a certain other decretal order of the said court made on the eleventh day of June, one thousand nine hundred and seven, respecting the foreclosure of a mortgage on the said railway, and have been purchased by John D. Newton, of the city of New York, in the United States; and whereas the said purchaser bought and became vested with the said rights, franchises, railway and property for the purpose of holding, maintaining and operating the said railway, its property and appurtenances; and whereas a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. John D. Newton, of the city of New York, in the state of Incorpora- New York, one of the United States, Dennis E. Bergen, of the tion. same place, the Honourable J. Douglas Hazen, D. King Hazen and Edward P. Raymond, all of the city of Saint John, in the province of New Brunswick, together with such persons as become shareholders in the company, are incorporated under the name of "The Salisbury and Albert Railway Company," here-
Corporate name. inafter called "the Company."

2. The undertaking of the Company is declared to be a Declaratory work for the general advantage of Canada.

Provisional
directors.

3. The persons named in section 1 of this Act are constituted provisional directors of the Company.

Capital stock.

4. The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Head office.

5. The head office of the Company shall be at Hillsborough, in the county of Albert, in the province of New Brunswick.

Annual
meeting.

6. The annual meeting of the shareholders shall be held on the first Thursday in September.

Directors.

7. The number of directors shall be not less than five, nor more than nine, one or more of whom may be paid directors.

Power
to acquire
Salisbury and
Harvey Ry.
Co.

8. The Company may acquire the railway, rights, franchises and property mentioned in the preamble, and upon and after such acquisition the franchises, rights, powers and privileges heretofore possessed by "The Salisbury and Harvey Railway Company" shall vest in and may be exercised and enjoyed by the Company, and the Company may thereupon hold, maintain and operate the said railway subject to the provisions of *The Railway Act*.

Time for
construction
of branch
lines
extended.

9. The Company may, within two years after the passing of this Act, commence the construction of the railways authorized by section 1 of chapter 80 of the statutes of 1900, and may complete the said railways and put them into operation within five years after the passing of this Act; and if the said railways are not commenced, or are not completed and put in operation, within the said periods respectively, the powers of construction shall cease as to so much of the said railways as then remains uncompleted.

Vessels.

10. The Company may, for the purposes of its undertaking, construct, acquire and operate steam and other vessels for the conveyance of passengers, goods and merchandise, and may construct, acquire and operate wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business connected with the Company.

Transporta-
tion.

Buildings.

Issue of
securities.

11. The securities issued by the Company shall not exceed twenty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreements
with other
companies.

12. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with

the Harvey Branch Railway Company and the Albert Southern Railway Company, or either of them, for any of the purposes specified in the said section 361.

OTTAWA : Printed by CHARLES HENRY PARMELEE, Law Printer to
the King's most Excellent Majesty.



8-9 EDWARD VII.

CHAP. 132.

An Act to incorporate the Governing Council of the Salvation Army in Canada.

[Assented to 19th May, 1909.]

WHEREAS the voluntary community or society of Christian *Preamble.* persons known as the Salvation Army, which was founded in England by William Booth, usually known and designated as General of the Salvation Army, has carried on in Canada for many years its work of religion, charity and benevolence, in pursuance of the objects and purposes and according to the principles of organization, administration and discipline described in certain documents commonly known as and hereinafter called "the foundation deeds," namely in:—

- (1.) A deed-poll, under his hand and seal, dated 7th August, 1878, and enrolled in the Chancery Division of the High Court of Justice in London, England, on 13th August, 1878;
- (2.) A deed-poll, under his hand, dated 24th June, 1880, and enrolled in the Supreme Court of Judicature in London, England, on 20th April, 1906;
- (3.) A deed-poll, under his hand and seal, dated 26th July, 1904, and enrolled in the Supreme Court of Judicature, in London, England, on 27th July, 1904;

a copy of each of which deeds-poll is set forth in the schedule to this Act; and whereas, with the consent and approval of the said William Booth, a petition praying that a corporation may be created for the purposes and with the powers hereinafter set forth, has been presented on behalf of the Salvation Army by the persons, usually designated by the titles herein affixed to their respective names, who hold in the Salvation Army the offices herein specified with regard to each such person, namely by Thomas Bales Coombs, commissioner in Canada; Nellie Coombs, wife of the said Thomas Bales Coombs, officer in charge of the women's social work; Henry William Mapp, colonel,

chief secretary; Albert Gaskin, lieutenant colonel, field secretary; Joseph Pugmire, lieutenant-colonel, men's social secretary; Thomas Howell, lieutenant-colonel, immigration secretary; John Sharp, lieutenant-colonel, provincial officer; William Barnard Turner, lieutenant-colonel, provincial officer; William Scott Potter, brigadier, financial secretary and trade secretary; John Bond, brigadier, editor; Annie Stewart, brigadier, assistant for the women's social work; Charles Taylor, brigadier, principal of the training school; John Southall, brigadier, advanced-training secretary; William Morehen, brigadier, divisional officer; Robert Hargrave, brigadier, provincial officer; George Burditt, brigadier, provincial officer; John Rawlings, major, property secretary; Frank Morris, major, provincial officer; William Green, major, divisional officer; and whereas it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The said Thomas Bales Coombs, Henry William Mapp, Albert Gaskin, William Scott Potter and John Rawlings, by virtue of their respective offices above mentioned, and their successors in the said offices, are hereby constituted a corporation under the name of "The Governing Council of The Salvation Army in Canada," hereinafter called "the Corporation,"

Corporate name.

Purposes.

for the purposes of administering in Canada the property, business and other temporal affairs of the Salvation Army.

Membership, ex officio.

2. If any of the said offices is altered or abolished in accordance with the constitution of the Salvation Army, any other office constituted in accordance with the said constitution may be substituted for the office so altered or abolished, and the person holding the office so substituted shall by virtue thereof become a member of the Corporation.

Head office.

3. The head office of the Corporation shall be in the city of Toronto, province of Ontario, and may be known and described as "The Territorial Headquarters." The Corporation may from time to time, by by-law, with the approval of the General of the Salvation Army, change the situation of the head office to any other place in Canada, and, with the like approval, establish branch offices or agencies in any place in Canada or elsewhere.

Branches.

4. The Corporation may, from time to time, make by-laws, not contrary to law nor inconsistent with the foundation-deeds, for:—

(a) the administration, management and control of the property, business and other temporal affairs of the Corporation;

- (b) the appointment, functions, duties and remuneration of all officers, agents and servants of the Corporation;
- (c) the appointment of committees and their duties;
- (d) the calling of meetings, regular or special, of the Corporation or of committees;
- (e) the fixing of the necessary quorum and procedure in all things at such meetings;
- (f) generally, for the carrying out of the objects and purposes of the Corporation.

5. The Corporation may, throughout Canada, establish, acquire by purchase, lease, gift, devise, bequest or otherwise, build, maintain, manage and operate:—

- (a) buildings and places for meetings, religious or secular, of the Salvation Army;
- (b) offices for the transaction of its business;
- (c) homes for its officers, and, subject to provincial laws, schools and colleges for their education and training;
- (d) lodging houses, shelters, homes and workshops for the poor;
- (e) hospitals and places of rest and recuperation for the sick and convalescent;
- (f) homes for the rescue of fallen women;
- (g) homes for children;
- (h) homes and shelters for immigrants;
- (i) generally, any buildings necessary for carrying out the eleemosynary, educational, religious or other benevolent objects and purposes of the Salvation Army.

6. The Corporation, in order to enable persons in Canada desirous of owning their own homes to acquire lands and to become self-supporting by their own labour in tilling the soil or otherwise, subject to any Act or regulation in force in Canada or in any province thereof, may—

- (a) establish, at any places in Canada, agricultural or industrial colonies, and maintain and manage such colonies;
- (b) for the purpose of promoting the settlement and cultivation of any lands in such colonies, enter into agreements with settlers or intending settlers to aid them by making advances of money, goods, utensils or other necessaries, which advances may be secured upon such lands, or otherwise; and construct and operate, or aid in, or subscribe to works of construction, maintenance and improvement of roads, bridges, aqueducts, ditches, mills, and other similar works;
- (c) generally, do all things necessary or expedient for the objects and purposes authorized by this section.

Colonization powers.

Commercial business.

7. The Corporation, for the purposes of the Salvation Army, may, throughout Canada, establish, maintain, operate and carry on the following businesses:—

- (a) printing and publishing;
- (b) manufacturing, buying and selling goods, articles and appliances required by the Salvation Army.

Disposal of profits.

2. No officer, member or employee of the Corporation or of the Salvation Army shall receive any pecuniary profit from any such business, except reasonable salary or wages, or except by way of proper benefit from charitable funds of the Corporation in compensation for services rendered in or about such business; and all other pecuniary profits of the said businesses shall be applied to the objects and purposes of the Salvation Army.

Powers to acquire and hold real property.

8. The Corporation may purchase, take, have, hold, receive, possess, retain and enjoy, property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein whatsoever, given, granted, devised, or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for or in favour of the uses and purposes of the Corporation or of the Salvation Army set forth in sections 5, 6 and 7 of this Act, or to, for or in favour of any eleemosynary, educational, religious or other institution established or intended to be established, by, under the management of, or in connection with the work of the Corporation or the Salvation Army, or to, for or in favour of the uses and purposes of any agricultural or industrial colony so established or intended to be established.

Limit as to value.

2. The annual value of the real estate held by or in trust for the Corporation in any province of Canada, for the objects and purposes of sections 6 and 7 of this Act, shall not exceed fifty thousand dollars, except in the province of Ontario, where it shall not exceed one hundred and fifty thousand dollars.

Limit as to time of holding.

3. The Corporation shall, within ten years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the use and occupation of the Salvation Army in Canada, but nothing herein contained shall be deemed in any wise to vary or otherwise affect any trust relating to such property.

Investment in and disposal of real property.

9. The Corporation may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Corporation, whether by the way of investment for the uses and purposes mentioned in the next preceding section or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec or charge upon real property in any part of Canada; and for the purposes of such

investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

10. The Corporation may hold such real estate as is bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided that no parcel of land or interest therein, at any time acquired by the Corporation and not required for its actual use and occupation, and not held by way of security, shall be held by the Corporation or any trustee on its behalf, for a longer period than ten years after the acquisition thereof, but shall, at or before the expiration of such period, be absolutely sold and disposed of, so that the Corporation shall no longer retain any interest therein, except by way of security.

2. Any such parcel of land, or any interest therein, not within the exceptions hereinbefore mentioned, which has been held by the Corporation for a longer period than ten years without being disposed of, shall be forfeited to His Majesty for the use of Canada: Provided that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing from the Minister of Finance to the Corporation of the intention of His Majesty to claim such forfeiture.

3. The Corporation shall give the Minister of Finance when required a full and correct statement of all lands at the date of such statement held by the Corporation, or in trust for it, and subject to the provisions of this section.

11. In regard to any real property which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the laws of such province as to the acquisition and holding of lands by religious corporations, in so far as such laws apply to the Corporation.

12. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Corporation.

Execution of
deeds.

13. Any deed or other instrument relating to real estate vested in the Corporation or to any interest in such real estate shall, if executed within the jurisdiction of the Parliament of Canada, be deemed to be duly executed if there are affixed thereto the seal of the Corporation and the signature of any officer of the Corporation duly authorized for such purpose or his lawful attorney.

Borrowing
powers.

14. If authorized thereto by by-law passed by unanimous vote of the Corporation at a meeting duly called for the purpose of considering the by-law, the Corporation may, from time to time, for the purposes of the Corporation:—

- (a) borrow money upon the credit of the Corporation;
- (b) limit or increase the amount to be borrowed;
- (c) make, draw, accept, endorse or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the officer thereto authorized by the by-laws of the Corporation and countersigned by the proper officer of the Corporation, shall be binding upon the Corporation, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown; and it shall not be necessary in any case to have the seal of the Corporation affixed to any such note or bill;
- (d) issue bonds, debentures or other securities of the Corporation for sums not less than twenty-five dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient;
- (e) mortgage, hypothecate or pledge the real or personal property of the Corporation or both to secure any such bonds, debentures or other securities and any money borrowed for the purposes of the Corporation.

Bonds.

2. No officer of the company so authorized as aforesaid, shall be individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange has been issued without proper authority.

Personal
responsibility
of officers.

15. The Corporation may invest its funds, or any portion thereof, either directly in the name of the Corporation or indirectly in the name of trustees, in the purchase of:—

- (a) the debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal or public school corporation in Canada; or,
- (b) the stock of any chartered bank in Canada, or the debentures, bonds, stocks or other securities of any building society, loan or investment company, trust company, water-works company, water-power company, gas company, navigation company, street railway company (by whatever power the railway is operated), electric

light or power company, heat and light company, rolling stock company, bridge construction company, harbour-trust company or commission, telegraph, cable or telephone company, dock company, fire insurance company, or the debentures or bonds of any steam railway company, which has earned and paid regular dividends upon its ordinary preferred or guaranteed stocks for the two years next preceding the purchase of such bonds or debentures, if such society, commission or company is incorporated in Canada; or,

- (c) the public consols, stocks, bonds, debentures, or other securities of the United Kingdom, or of any colony or dependency thereof; or,
- (d) ground rents and mortgages on real estate in any province of Canada.

2. The Corporation may lend its funds, or any portion thereof, Powers to lend. on the security of,—

- (a) any of the bonds, stocks, debentures or securities mentioned in the last preceding subsection; or,
- (b) real estate or leaseholds for a term or terms of years, or other estate or interest in real property in any province of Canada.

3. The Corporation may take any additional securities of Collateral securities. any nature to secure further the repayment of any liability thereto, or to secure further the sufficiency of any of the securities in or upon which the Corporation is by this Act authorized to invest or lend any of its funds.

4. Any loan by this Act authorized to be made may be on Terms of loans. such terms and conditions, and in such manner, and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest together, as the Corporation from time to time determines.

16. Whenever the Minister of Finance so requires in writing and within such reasonable delay as he appoints, the Corporation shall transmit to him a statement as to the nature and extent of such of the operations and business of the Corporation as he designates.

2. Every such statement shall be in such form and contain Form. such details as the Minister of Finance requires, and shall be verified by the oath of the presiding officer of the Corporation.

3. If for the space of one month the Corporation neglects or refuses to comply with any such written request of the Minister of Finance the Corporation shall be liable to a penalty not exceeding twenty dollars for every day during which such default continues, and any member of the Corporation who knowingly or wilfully authorizes or permits such default shall be liable to the like penalty.

SCHEDULE

PUBLIC RECORD OFFICE COPY.

(Pursuant to Statute 1 & 2 Vict., c. 94.)

CLOSE ROLL (CHANCERY).

1878. Part 72. m. 28.

Booth } To all to whom these Presents shall come I
 a } William Booth of 3 Gore Road Victoria Park
 Deed Poll } Road Hackney in the county of Middlesex Minister
 of the Gospel the Founder and General Superintendent for
 the time being of The Christian Mission, Send Greeting

Whereas in the year 1865 the said William Booth commenced preaching the Gospel in a Tent erected in the Friends Burial Ground Thomas Street in the parish of Whitechapel in the county of Middlesex and in other places in the same neighbourhood.

And whereas a number of People were formed into a Community or Society by the said William Booth for the purpose of enjoying Religious fellowship and in order to continue and multiply such efforts as had been made in the Tent to bring under the Gospel those who were not in the habit of attending any place of worship by Preaching in the open air in Tents Theatres Music Halls and other places and by holding other Religious Services or Meetings.

And whereas at the first the said Society was known by the name of the East London Revival Society and afterwards as the East London Christian Mission.

And whereas other Societies were afterwards added in different parts of London and a Society was also formed at Croydon.

And whereas the names of these united Societies was then altered to that of "The Christian Mission."

And whereas divers halls or meeting houses schoolrooms vestries lands buildings and appurts situate lying and being in various parts of Her Majesty's Dominions and elsewhere have been or are intended to be and hereafter may be given and conveyed to certain persons in such Gifts and Conveyances named and to be named upon trusts for the purposes therein and herein mentioned or any of them and generally for promoting the objects of the said Christian Mission under the direction of the General Superintendent.

And whereas in order to render valid and effectual such trusts to remove doubts and prevent Litigation in the interpretation thereof or as to the terms used therein to ascertain what is the name or title and what are and shall be for ever the doctrines of the said Christian Mission and also in order to preserve the system of the said Christian Mission generally by

means of a General Superintendent it has been deemed expedient to make and execute these presents.

Now these presents witness that for the purposes aforesaid I the said William Booth do hereby declare

Firstly—That the name style and title by which the said Religious Community or Mission hereinbefore described hath during the last nine years been called known and recognised is "The Christian Mission."

Secondly—That the Religious doctrines professed believed and taught by the Members of the said Christian Mission are and shall for ever be as follows.

1. We believe that the Scriptures of the Old and New Testaments were given by inspiration of God and that they only constitute the Divine rule of Christian faith and practice.
2. We believe there is only one God who is infinitely perfect the Creator Preserver and Governor of all things and who is the only proper object of Religious Worship.
3. We believe that there are three persons in the Godhead the Father the Son and the Holy Ghost undivided in essence and co-equal in power and glory.
4. We believe that in the person of Jesus Christ the Divine and human natures are united, so that he is truly and properly God and truly and properly man.
5. We believe that our first Parents were created in a state of innocence but by their disobedience they lost their purity and happiness and that in consequence of their fall all men have become sinners totally depraved and as such are justly exposed to the wrath of God.
6. We believe that the Lord Jesus Christ has by his suffering and death made an atonement for the whole world so that whosoever will may be saved.
7. We believe that repentance towards God faith in our Lord Jesus Christ and regeneration by the Holy Spirit are necessary to Salvation.
8. We believe that we are justified by grace through faith in our Lord Jesus Christ and that he that believeth hath the witness in himself.
9. We believe that continuance in a state of Salvation depends upon continued obedient faith in Christ.
10. We believe that it is the privilege of all believers to be "wholly sanctified" and that "their whole spirit and soul and body" may "be preserved blameless unto the coming of our Lord Jesus Christ" (1 Thess: v 23).
11. We believe in the immortality of the soul in the Resurrection of the body in the general judgment at the end of the World in the eternal happiness of the Righteous and in the endless punishment of the wicked.

Thirdly—That the said Christian Mission is and shall be always hereafter under the oversight direction and control of

some one person who shall be the General Superintendent thereof whose duty it shall be to determine and enforce the discipline and laws and superintend the operations of the said Christian Mission and to conserve the same to and for the objects and purposes for which it was first originated.

The General Superintendent shall have power to expend on behalf of the Christian Mission all moneys contributed for the general purposes of the said Christian Mission or for any of the special objects or operations thereof but he shall annually publish a Balance Sheet (duly audited) of all such receipts and expenditure.

The General Superintendent shall have power to acquire by Gift purchase or otherwise any hall or meeting house school room vestry land building and appurts and any seats fittings furniture or other property whatsoever which may in his judgment be required for the purposes of the said Christian Mission and to build upon such land or alter or pull down any such buildings and to hire on lease or otherwise any land or buildings and to lend give away let sell or otherwise dispose of any such Property land or buildings as he may deem necessary in the interests of the said Christian Mission wherein all trustees shall render him every assistance and he may in all such cases as he shall deem it expedient so to do nominate and appoint trustees or a trustee of any part or parts respectively of such property and direct the Conveyance or Transfer thereof to such trustees or trustee with power for the General Superintendent to declare the trusts thereof and from time to time if it shall seem expedient to him so to do to revoke any such trusts or the appointment of such trustees or trustee and upon such revocation the same property shall be conveyed or transferred to such persons or person and upon such trusts as he may direct but only for the benefit of the said Christian Mission.

Fourthly—That the said William Booth shall continue to be for the term of his natural life the General Superintendent of the Christian Mission unless he shall resign such Office.

Fifthly—That the said William Booth and every General Superintendent who shall succeed him shall have power to appoint his successor to the Office of General Superintendent and all the rights powers and authorities of the Office shall vest in the person so appointed upon the decease of the said William Booth or other General Superintendent appointing him or at such other period as may be named in the Document appointing him.

Sixthly—That it shall be the duty of every General Superintendent to make in writing as soon as conveniently may be after his appointment a Statement as to his successor or as to the means which are to be taken for the appointment of a successor at the decease of the General Superintendent or upon his ceasing to perform the duties of the Office such Statement to be signed by the General Superintendent and delivered in a

Sealed envelope to the Solicitor for the time being of the Christian Mission but such statement may be altered at will by the General Superintendent at any time during his continuance in Office upon a new Statement being signed by him and delivered as before mentioned to such Solicitor as aforesaid.

In witness whereof I the said William Booth have hereunto subscribed my name and affixed my seal this seventh day of August in the year of Redemption one thousand eight hundred and seventy eight.

WILLIAM BOOTH (Ls).

Signed sealed and delivered by the said William Booth in the presence of

Thos. Whittington 3 Bishopsgate St. Without Solr.

J. E. BILLOPS.

This Deed was duly presented to and approved by the persons assembled at a General Meeting of the Christian Mission held at No. 272 Whitechapel Road in the county of Middlesex And we the undersigned William Booth and George Scott Railton do hereby in the name of the Christian Mission set our hands hereto in ratification of and for perpetuating testimony of this Deed.

Dated this same seventh day of August 1878.

General Superintendent

WILLIAM BOOTH
G. S. RAILTON,
Secretary of the Christian Mission.

Witnesses to both Signatures

THOS. WHITTINGTON.
J. E. BILLOPS

Enrolled the thirteenth day of August in the year of our Lord one thousand eight hundred and seventy eight (being first duly stamped) according to the tenor of the Statutes made for that purpose.

I certify that the foregoing is a true and authentic copy.

G. F. HANDCQCK
Assist-Keeper of the Public Records.

27th January 1909.

Booth
Christian Mission
to be known as The
Salvation Army
(See Deed enrolled

13th Aug. 1878

Part 72

522

Be it remembered and entered as of Record That Whereas the Society called and known previously to the end of the year One thousand eight hundred and seventy eight as "The Christian Mission" was on or about the first day of January One thousand eight hundred and seventy nine

nine with a view to the more beneficially extending of its operations renamed and has been since that time and is now usually known as "The Salvation Army" Now I William Booth the General of the Salvation Army (and also the General Superintendent of The Christian Mission) as hereby by virtue of all and every powers and authority in me vested declare that the said Society formerly known and in the within written Deed described as The Christian Mission is now and is intended to be hereafter called and known or described for all public purposes of its operations as "The Salvation Army" and that the expression "The Christian Mission" in the within Deed contained shall be taken to mean "The Salvation Army" and that everything in the within Deed contained relating or referring to The Christian Mission shall be taken as relating or referring to The Salvation Army.

In witness whereof I have hereto set my hand this twenty fourth day of June One thousand eight hundred and eighty.

WILLIAM BOOTH.

Witness

THOS. WHITTINGTON.

Enrolled the twentieth day of April in the year of our Lord One thousand nine hundred and six.

SUPREME COURT OF
GENERAL OFFICE
ENROLMENT
DEPART t
JUDICATURE

} Stamped.

Office Copy.

Booth a Deed Poll Salvation Army 107. 1103	To all to whom these presents shall come William Booth of 101 Queen Victoria Street in the City of London General of the Salvation Army sends Greeting
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Whereas by a Deed Poll (hereinafter called "the Deed of Constitution") dated the 7th day of August 1878 and under the hand and seal of the said William Booth (the Founder and General Superintendent of a Religious Society or Organization known as "The Christian Mission", and afterwards enrolled in the Chancery Division of the High Court of Justice on the 13th day of August 1878 the origin name and doctrines of the said Christian Mission were recited and stated and it was by the said Deed Poll amongst other things provided (Clause 3) that the said Christian

Mission was and should always be thereafter under the oversight direction and control of some one person who should be the General Superintendent thereof whose duty it should be to determine and enforce the discipline and laws and superintend the Operations of the said Christian Mission and to conserve the same to and for the objects and purposes for which it was first originated and that the said General Superintendent should have the powers therein mentioned (Clause 4) that the said William Booth should continue to be for the term of his natural life the General Superintendent of the Christian Mission unless he should resign such Office (Clause 5) that the said William Booth and every General Superintendent who should succeed him should have power to appoint his successor to the Office of General Superintendent and all the rights powers and authorities of the Office should vest in the person so appointed upon the decease of the said William Booth or other General Superintendent appointing him or at such other period as might be named in the document appointing him and (Clause 6) that it should be the duty of every General Superintendent to make in writing as soon as conveniently might be after his appointment a Statement as to his successor or as to the means which were to be taken for the appointment of a successor at the decease of the General Superintendent or upon his ceasing to perform the duties of the Office such Statement to be signed by the General Superintendent and delivered in a sealed Envelope to the Solicitor for the time being of the Christian Mission but such Statement might be altered at will by the General Superintendent at any time during his continuance in Office upon a new Statement being signed by him and delivered as before mentioned to such Solicitor as aforesaid And whereas on or about the 1st day of January 1879 the name of the said Religious Society or Congregation was changed from "the Christian Mission" to "The Salvation Army" as appears by a Memorandum under the hand of the said William Booth dated the 24th day of June 1880 and endorsed on the said recited Deed Poll and the said Society or Organization has since been and is now known as "The Salvation Army" and the Title of The General Superintendent thereof has been altered and shortened into that of General and the said William Booth is now known and designated and it is expected that every Successor of his will hereafter be known and designated as the "General" of the Salvation Army And whereas in Order to minimise the possibility of doubt dispute or litigation it is considered desirable to provide more fully and specifically than is done by the Deed of Constitution for the events in which the General for the time being shall cease to perform the duties of his Office and also for the nomination and appointment of a successor to the General for the time being on his dying or ceasing to perform the duties of the Office and the said William Booth has accordingly determined to execute these presents

Now these presents witness that the said William Booth doth hereby declare as follows that is to say.

1. The Statement provided for by Clause 6 of the Deed of Constitution shall be signed and delivered to the Solicitor of the Salvation Army by every General of the Salvation Army as soon as possible after his appointment and if containing merely the nomination of an individual as successor or being otherwise liable to fail by reason of the death incapacity refusal or unwillingness to act of an individual shall be accompanied or succeeded as soon as possible by one or more alternative statement or statements numbered in the intended Order of priority and intended to operate in the event only of the appointment under the prior Statement or under all prior Statements as the case may be failing to take effect by reason of the death incapacity refusal or unwillingness to act of the person or persons ascertained under the prior Statement or Statements and every Statement or alternative statement shall have endorsed or placed on the envelope or cover containing the same a note of the date of the signing thereof to the intent that such note may be relied on for the purpose of destroying the said Statement unopened should it be proper to do so having regard to any of the provisions in the Deed of Constitution or these presents contained. Provided always that any such alternative Statement or Statements as aforesaid may be revoked or altered at will by the General at any time during his continuance in Office whether with or without the substitution of any fresh alternative statement or statements but nevertheless it shall be a continuing as well as an original Obligation on the General for the time being to have for the time being in force and capable of operation a Statement or Statements not liable to fail by reason of the death incapacity refusal or unwillingness to act of a single nominee Provided also that except so far as may otherwise be expressly directed by any General any alternative statement or statements shall be opened only in the event of the prior statement or all prior statements as the case may be failing to result in the appointment of a successor and otherwise shall be destroyed unopened
2. Every General for the time being of the Salvation Army shall be deemed to cease to perform the duties of the Office within Clause 6 of the Deed of Constitution and to vacate such Office upon the happening of any of the following events that is to say.
 1. If he shall be found lunatic by inquisition or if all the Commissioners of the Salvation Army (which expression as and when used in these presents and in the Schedule hereto shall except where and so far as the context shall otherwise require be deemed to include the Chief of Staff and the Secretary for Foreign Affairs

for the time being but not to include any retired Commissioners or Commissioner) or a majority of such Commissioners amounting to at least four in five declare by writing under their hands that they are satisfied that the General is of unsound mind or permanently incapacitated by mental or physical infirmity from the adequate performance of the duties of his Office

2. If all the Commissioners of the Salvation Army or a majority of such Commissioners amounting to at least nine in ten declare by writing under their hands that they are satisfied that the General is in consequence of Bankruptcy or insolvency dereliction of duty notorious misconduct or other circumstances unfit to continue to perform the duties of his office
3. If a Resolution adjudicating the General unfit for Office and removing him therefrom shall be passed by a majority of not less than three fourths of the members present and voting of the High Council of the Salvation Army hereinafter referred to

The following provisions shall take effect with regard to any declaration under either of the first two subclauses of this present clause that is to say: First Any such Declaration shall show on its face whether it is made under the first subclause or under the second Sub Clause but subject to this need not state the incapacity or unfitness otherwise than in general terms or the nature of the evidence (if any) on which the Declarants or any of them may have acted and it shall not be necessary to have given the General in question Notice of the intention to make such declaration Secondly Any such Declaration may be by one or several documents and need not be signed simultaneously so long as there shall not be an interval of more than three calendar months between the first signature and the last Thirdly The date at which the Commissioners of the Salvation Army are to be ascertained for the purposes of this Clause shall be at the date when the declaration in question shall have been signed by the Commissioner who shall first sign the same to the intent that no dismissal of any Commissioner or other alteration in the Commissioners (whether by termination of Office by time or otherwise) between the date of such first signing and the date of the formal handing of the declaration as hereinafter mentioned shall in any way prejudice or affect the possibility of obtaining the declaration or the validity or operation thereof when obtained Provided lastly that any such declaration shall be operative and the vacation of Office shall take place upon such declaration being formally handed to the Chief of the Staff or in his absence to the next highest

Officer for the time being at Headquarters whose duty it shall be to receive such declaration and to publish the same with the date of its receipt within twenty four hours of receipt or as soon as possible thereafter. Vacation of Office under the first subclause of this Clause is hereinafter referred to as vacation of Office through mental incapacity and vacation of Office under the second subclause of this Clause is herein-after referred to as vacation of Office through declared unfitness and vacation of Office under the third sub-clause of this Clause is hereinafter referred to as vaca-tion of Office through adjudicated unfitness.

3. If the vacation of the Office of General shall take place through declared unfitness or through adjudicated unfitness any and every statement made by the vacating General as to his successor or the means to be adopted for appointing his successor shall be void and be disregarded and shall be destroyed without being opened And if the vacation of the Office of General shall take place through mental incapacity any and every such Statement which shall have been made by the vacating General later than one calendar month prior either to the date of the Commencement of the proceedings under which he shall have been found lunatic by inquisition or to the date of the signature by the Commissioner who shall first sign the same of the declaration declaring his mental incapacity as the case may be shall be void and be disregarded and shall be destroyed But if the vacation of Office of General shall take place through death or resignation and also if such vacation having taken place through mental incapacity there shall be in existence a Statement or statements made by the General more than one calendar month prior to the alternative date lastly hereinafter mentioned then and in any of the said cases his successor shall be appointed in accordance with the Statement made by the vacating General as in the Deed of Constitution and hereinbefore provided but so nevertheless as not hereby to validate any statement made by a vacating General which though actu-ally made one calendar month or upwards prior to the said alternative date may nevertheless be proved to have been made when the vacating General was in fact *non compos mentis*
4. If in any of the cases mentioned in the last preceding Clause in which a Statement by the vacating General would be *prima facie* effective it shall happen either that there is no such Statement as therein mentioned (which fact shall be sufficiently proved by a Joint Declaration in writing under the hand of the Chief of the Staff for the time being and the Solicitor of the Army for the time being that to the best of their knowledge information and belief there

is no such Statement or that no such Statement is found within a fortnight after the vacation of Office or that any such Statement is invalid by reason of the vacating General having been *non compos mentis* at the date of making the same or otherwise or that whether by death refusal or otherwise no successor can be appointed in pursuance any such Statement or is so appointed within one calendar month of the vacation of Office then and in any of the said events and also in the event of vacation of Office under circumstances in which any statement by the Vacating General is to be disregarded the appointment of the successor shall be determined by the High Council of the Salvation Army hereinafter referred to.

5. In the case also of vacation of Office through adjudicated unfitness the appointment of the successor to the Vacating General shall be determined by the High Council of the Salvation Army hereinafter referred to.
6. During any interval that shall elapse between the Vacation of Office by any General of the Salvation Army and the appointment of his Successor the person who is at the date of vacation of Office the Chief of the Staff of the Salvation Army or (him failing) the next higher Officer for the time being except as provided in the First proviso hereto exercise all and every the powers and discretions which are under the Deed of Constitution or these presents vested in the General for the time being Provided always that the Chief of the Staff or other highest Officer as aforesaid shall not do any one or more of the following things that is to say (a) Retire or reduce any Commissioner for the time being from that rank otherwise than with the consent in writing of at least three in four of the other Commissioners of the Salvation Army for the time being except upon a finding of misconduct by a Court Martial constituted under the Rules and Regulations for the time being (b) Make any change in the Orders and Regulations for the time being of the Salvation Army as printed and published (c) Enter upon or engage in otherwise than with the consent in writing of at least three in four of the Commissioners for the time being any new transaction or Obligation involving an expenditure or liability or both to a greater extent in the whole than £10,000 Provided also that the Chief of the Staff or other highest Officer as aforesaid shall throughout the interval during which he shall perform the duties of the General keep a continuous and exact record in writing of all transactions and decisions done and given by him in that capacity such record to be submitted to the next succeeding General forthwith upon his appointment and to be thereafter retained by him
7. Any General for the time being of the Salvation Army whether appointed under the Deed of Constitution or under

these presents whether varied or not or under the conjoint operations of both Deeds shall have full and unrestricted power to purchase hire or otherwise acquire and to sell mortgage let or otherwise dispose of and deal with any Real and personal property in any part of the world and all other the powers and discretions given by the Deed of Constitution

8. Every General of the Salvation Army shall forthwith upon communication to him of his appointment execute a deed accepting Office upon and subject to the terms not only of the Deed of Constitution but also of these presents either as originally fixed or as varied as hereinafter mentioned as the case may be If any General does not execute such a Deed within 48 hours after being required in writing so to do by any three commissioners or if no such Request shall be made within one calendar month at least after communication to him of his appointment then and in such case and immediately upon the expiration of the alternative period in question such General shall be deemed to cease to perform his duties and to vacate Office and the like consequences shall ensue as on a vacation of Office through declared unfitness Provided always that if the execution of a Deed Poll under the provisions of this Clause shall be delayed by illness or other inevitable occasion then and in such case the aforesaid alternative periods of 48 hours and one calendar month shall run only as from the ceasing of the cause of delay
9. The provisions of these presents including the provisions of the Schedule hereto, may at any time or from time to time hereafter be added to revoked altered or otherwise varied by any General for the time being of the Salvation Army by deed executed with the consent in writing of a majority in number of the Commissioners of the said Army amounting to at least two thirds of the whole number thereof And any Statement in such deed of the number of the Commissioners of the said Army and of the fact that any named persons are some of such Commissioners shall be sufficient for the purposes of effectuating any such deed without any further proof of such total number or of the fact that all or any of such named persons are in fact such Commissioners
10. For the purpose of adjudicating on the question whether any General is unfit for Office and should be removed therefrom under Clause 2 Sub clause (3) of these presents and also for the purpose of electing a successor to the Office of General under Clause 4 of these Presents there shall henceforth be established and shall from time to time and at all times when necessary be convened a Council of the Salvation Army to be known as the High Council of the Salvation Army Such Council shall be constituted convened and

regulated in accordance with the provisions contained in the Schedule hereto which shall be as valid and operative as if set out in the body of these presents.

In witness whereof the said William Booth hath hereunto set his hand and seal this twenty sixth day of July One thousand nine hundred and four

THE SCHEDULE ABOVE REFERRED TO.

The High Council of the Salvation Army.

1. The High Council of the Salvation Army (hereinafter referred to as "the High Council", may be convened for the purpose of adjudicating on the question whether the General for the time being of the Salvation Army is unfit for Office and should be removed therefrom under Clause 2 Sub clause 3 of the foregoing Deed Poll and shall be convened in any of the events mentioned in Clause 4 of such Deed Poll for the purpose of appointing a successor to the Office of General of the Salvation Army.
2. For the purpose of adjudicating as aforesaid the High Council may be convened at any time as follows and not otherwise that is to say either on the joint Requisition of the Chief of the Staff for the time being and of not less than four other Commissioners of the Salvation Army for the time being or on the joint Requisition of not less than seven Commissioners for the time being. In the event of the High Council being convened under this Clause the date of the despatch of the summonses convening the same or of the earliest of such summonses if the same are not all sent out on one day is hereinafter referred to as and shall be for the purposes of the provisions hereinafter contained be deemed to be "the qualifying date" hereinafter referred to.
3. For the purpose of appointing a successor to the Office of General of the Salvation Army the High Council shall be convened by Summonses despatched upon the date of occurrence of any event or of the last of any series of events upon which the appointment of a successor has under Clause 4 of the foregoing Deed Poll to be determined by the High Council or as soon after such date as possible In the Cases provided for by this Clause the date which is herein-after referred to as and shall for the purposes of the provisions hereinafter contained be deemed to be "the qualifying date" shall be the date of the vacation of Office by the General who has just vacated the same except in the case of vacation either through declared unfitness or through a declaration of mental incapacity in either of which cases the date shall be the date when the declaration shall have been signed by the Commissioner who shall first sign the same.

4. The duty of despatching the summonses for and convening the High Council under the last preceding clause shall in the first place rest with and be performed by the Chief of the Staff at the qualifying date but if there shall be no Chief of the Staff at the date when the duty in question has first to be performed or he shall be unable or unwilling to act or shall not act within fourteen days then and in any of the said cases the said duty shall rest with and be performed by the Secretary for Foreign Affairs and if summonses have not been despatched for convening the High Council by either of the above persons within twenty one days after the date when the occasion for despatching them first arose then and in such case the summonses may be despatched and the High Council convened by any three Commissioners of the Army.

5. The High Council shall consist of and Summonses shall accordingly be despatched to the persons holding at the qualifying date the following Offices that is to say:

The Chief of the Staff

The Secretary for Foreign Affairs

All the Commissioners of the Army not being Commissioners on the Retired List.

All the Officers holding territorial Commands in the Army in any part of the World whatever their rank in the Army.

Provided always that in case under the foregoing qualifications of Commissioners and Territorial Commanders two persons being Husband and Wife and holding Commissions or commands in respect of the same Country or district are entitled to be members of the High Council they shall only have one vote which shall be given by the husband as he may think fit if he alone is present or both are present and shall be given by the wife as she may think fit only if she alone is present.

6. Summonses to Members of the High Council at places which are within ten days ordinary post of Headquarters may be sent either by post or by Telegram Summonses to Members of the High Council at places which are not within ten days ordinary post of Headquarters should be sent so far as practicable by telegram.

7. The High Council shall be summoned to meet on the earliest date at which the person sending out the Summonses shall *bona fide* consider that it will be reasonably possible for all the Members or for the great majority of them to assemble by travelling express Provided always that the date of meeting shall in no case be more than sixty days from the date of the despatch of the summons thereto which is first despatched The place of meeting of the High Council shall be in or near to London or other the place where Headquarters shall be established at the

qualifying date and such place and the date of meeting shall be named in the Summonses. It shall be the duty of all persons summoned to the High Council to forthwith obey such Summons and in case any person or persons actually summoned shall not attend the other persons attending shall receive evidence of such person or persons having been Summoned and shall record such evidence and the fact of non attendance in a suitable form

8. The persons actually Summoned and meeting at the High Council may proceed and act notwithstanding that any person or persons who should have been summoned may not have been summoned or that any person or persons summoned may have refused or neglected to obey such summons as may not in fact have arrived or may from time to time neglect or fail to attend the meetings whether from illness death or any other cause whatever and the persons actually summoned and meeting as the High Council shall, in addition and without prejudice to any other powers, have the following powers that is to say:

- (A) Power to elect a President and Vice President of the High Council and to give the President and Vice President such powers when presiding including the giving of a second or casting vote as may be thought fit
- (B) Power to determine absolutely in case of any doubt whether there has or has not been a vacation of Office by the General of the Salvation Army and whether an event has or has not arisen for the convening and constitution of the High Council and whether the High Council has or has not been properly summoned.
- (C) Power to determine whether the persons summoned to the High Council or any of them ought to have been so summoned and whether any such persons are or are not properly qualified to act as Members of the High Council and to exclude any persons who ought not to have been summoned or who are not qualified to act.
- (D) Power to summon to the High Council any person who in their opinion should have been summoned thereto and should be Members thereof but so that it shall not be obligatory to exercise this power by summoning all or any of such persons and that it shall not be exercised if the exercise of it would or might cause any considerable delay.
- (E) Power to determine what if any report of the proceedings of the High Council shall be published.
- (F) Power to adjourn at any time or from time to time and generally to determine and regulate their own procedure subject always to any express directions

tions herein contained and also to appoint Committees for such purposes as the High Council shall think fit to delegate or entrust to them and so that such Committees shall (subject to any directions of the High Council) have power to appoint sub-Committees and generally to determine their own procedure.

- (G) Power to determine how the costs and expenses of the summoning and attendance of the members of the High Council and of all proceedings in connection therewith ought to be borne and defrayed and in particular to what extent such costs and expenses should be borne and defrayed out of the funds of the Salvation Army Provided always that primarily and without prejudice to any question of ultimate Recoupment the Reasonable travelling and other expenses that every person summoned as a Member of the High Council shall incur by virtue of that summons and in connection with his duties as a Member of the High Council shall except in any case of neglect or misconduct be defrayed out of the funds of the Salvation Army
- (H) Power to do all things necessary for the purpose of settling finally and conclusively the question for the determination of which the High Council shall have been convened.

And also in the case of a High Council convened for the purpose of adjudicating on the question whether the General for the time being of the Salvation Army is unfit for Office and should be removed from Office the following further and additional powers that is to say:

- (I) Power to summon the General or any other Officer of the Salvation Army or other person in such manner as shall be thought fit to attend before the High Council at any time or from time to time as the High Council shall think fit.
- (J) Power to give such directions if any as the High Council (or any Committee or sub committee to whom the question may be referred) shall think fit as to the formulation of any charge against the General and as to the person or persons by whom the same should be formulated and supported and as to the formulation of the answer (if any) of the General thereto and as to whether the parties to the proceedings should be heard in person only or by Solicitors or Counsel
- (K) Power to decide all questions of the admission and rejection of evidence whether in accordance with strict legal Rules or not

(L) Power to appoint any Committee not being less than thirteen in number for the purpose of investigating and reporting on all or any of the Charges that may be made against the General and to adopt the report of any such Committee and so that any such Committee shall in the course and for the purposes of such investigation and report have power to appoint a Chairman (if any appointed by the High Council) to determine their own procedure to direct and control the proceedings before them and generally all the like powers as those given to the High Council by sub clauses (F) (I) (J) and (K) hereinbefore contained

(M) Power generally to direct and control the proceedings before the High Council for the purposes of a fair and proper ultimate adjudication and to pronounce such adjudication accordingly.

9. The proceedings before a High Council summoned for purposes of adjudication shall be conducted as continuously and with as great despatch as is reasonably possible and immediately on the conclusion of such proceedings or after as short an adjournment as possible a vote of the Members of the High Council shall be taken in private in such manner as they think fit on the question whether the General is unfit for Office and should be removed therefrom. If a Resolution in the affirmative shall be passed by a majority of not less than three in four of the Members of the High Council present and voting then and in such case it shall be the duty of the actual President to forthwith make a public announcement to that effect and the General shall forthwith cease to be and vacate the office of General of the Salvation Army and the High Council shall proceed to the election of a Successor to such Office in like manner so far as may be as is hereinafter directed in the case of a High Council originally summoned for the purpose of appointing a successor. But if a Resolution in the affirmative shall not be passed by the majority aforesaid then and in such case it shall be the duty of the actual President to forthwith make a public announcement that the General has not been declared unfit for office or removed and the proceedings of the High Council shall come to an end and their duties and powers shall cease and they shall stand *ipso facto* dissolved. In neither case shall the president make a public announcement of the names or numbers of the members voting for or against the Resolution unless the High Council shall resolve to that effect.

10. A Member of the High Council shall be competent to sit thereon and to take part in adjudication and to vote for or against the Resolution in the last preceding Clause mentioned although he may have been one of the persons

originally convening the High Council or may make any statement or give any evidence against or for the General with Reference to the matters being adjudicated on or may otherwise have been concerned or occupied in the matters in question and also although he may not have been present throughout the whole of the proceedings

11. The Summoning of the High Council for purposes of adjudication and any proceedings before such High Council shall not in any way prejudice or affect the liability of the General to vacation of Office through declared unfitness under Clause 2 Subclause (2) of the foregoing Deed Poll And if after such summoning and before the High Council shall have passed or failed to pass as the case may be a Resolution removing the General from the Office the Office of General shall have been vacated through declared unfitness or the General shall have died or resigned or otherwise vacated Office then and in any of the said cases the High Council summoned as aforesaid shall be capable of proceeding and shall proceed to the election of a successor to such Office in like manner so far as may be as is hereafter directed in the case of a High Council originally Summoned for the purpose of appointing a successor and without any further or additional summons.
- 12 A High Council summoned for the purpose of appointing a successor to the Office of General of the Salvation Army shall immediately upon the constitution thereof and a High Council originally summoned for purposes of adjudication shall if and so soon as such High Council shall under the directions hereinbefore contained be competent in that behalf proceed to the election of a General of the Salvation Army in succession to the one who has vacated Office. The person so to be elected may be either one of the members of the High Council or some other person The election shall be by ballot and shall require a two thirds majority of those voting and if at the first or any subsequent ballot no person shall obtain an absolute two thirds majority of the votes of the members voting a further ballot shall be taken until some person shall obtain such an absolute majority The person first obtaining such an absolute majority as aforesaid of the votes of the members voting shall be thereby elected the General of the Salvation Army
13. Immediately upon the election in manner aforesaid of a General of the Salvation Army the President of the Council shall forthwith publish the same (a) by notifying the same to the General so elected and (b) by giving notice thereof to the Solicitor for the time being of the Salvation Army And such further publication thereof shall be made by exhibiting a notice or notices in some conspicuous place or places at Headquarters and by advertisement in newspapers or otherwise as the said Solicitor shall in his discretion

tion think fit but subject always to the direction and super-vision of the elected General Provided always that the notification of election to the person elected and to the Solicitor aforesaid shall precede any other publication thereof and that if the person shall refuse or shall not accept the Office any further publication shall be foregone either permanently or until he shall accept the same.

14. Immediately upon the president of the High Council notifying to the General so elected as aforesaid the fact of his election and upon the General accepting Office all the duties and powers of the High Council shall cease and they shall stand *ipso facto* dissolved. But if the person so elected shall refuse or shall not accept the same within forty eight hours after election or within such further time (if any) as the High Council may determine then and in such case the High Council summoned as aforesaid shall proceed to the election of another person as General and so on *toties quoties* until some person has been elected General and has accepted Office whereupon all the duties and powers of the High Council shall cease and they shall stand *ipso facto* dissolved.

15. After any person has been elected General of the Salvation Army and has accepted Office his election shall not be invalidated by any flaw in the summoning constitution or proceedings of the High Council or by any other error in any matter or thing in anywise relating to such election or to any removal or other vacation of Office by any prior General who may purport to have been removed from or otherwise to have vacated Office or whose vacation of Office may in any other respect be a condition of the election of the person so elected as aforesaid

WILLIAM BOOTH [L.S.]

Signed Sealed and Delivered by the above named William Booth in the presence of

Wm. Frost, Sol. of Fenchurch Street E.C.

F de L Booth Tucker 120 West 14th St. New York Commander of the American Forces.

T Henry Howard 101 Queen Victoria St London E.C. Foreign Secretary Sal. Army

Et Cosandy 3 Rue Auber Paris Commissioner of the Forces in France Italy and Belgium

Adelaide Cox 259 Mare Street Hackney NE. Commissioner for Womens Social Work Gt Britain & Ireland.

Enrolled the twenty seventh day of July in the year of our Lord One thousand nine hundred and four.

SUPREME COURT OF
CENTRAL OFFICE
ENROLMENT
DEPART.
JUDICATURE

Stamped.

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8-9 EDWARD VII.

CHAP. 133.

An Act for the relief of John Denison Smith.

[Assented to 19th May, 1909.]

WHEREAS John Denison Smith, of the town of Richmond, Preamble. in the province of Quebec, has by his petition alleged, in effect, that on the twentieth day of September, A.D. 1898, at the city of Montreal, in the said province, he was lawfully married to May Stephen; that she was then of the city of Sorel, in the said province, a spinster; that his legal domicile was then and is now in Canada; that in or about the month of September, A.D. 1905, she deserted him; that on the twentieth day of April, A.D. 1908, at the town of Brighton, in the state of Vermont, one of the United States of America, she went through a form of marriage with one Edmund F. Cleveland, with whom she has since lived in adultery at the said town of Richmond; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between John Denison Smith and May Marriage dissolved. Stephen, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

2. The said John Denison Smith may at any time hereafter Right to marry again. marry any woman whom he might lawfully marry if the said marriage with the said May Stephen had not been solemnized.



8-9 EDWARD VII.

CHAP. 134.

An Act respecting a patent of Thomas L. Smith.

[Assented to 19th May, 1909.]

WHEREAS Thomas L. Smith, of the city of Milwaukee, in the Preamble. state of Wisconsin, one of the United States, has by his petition represented that he is the owner of a patent number seventy-seven thousand and fifty-six, dated the twelfth day of August, one thousand nine hundred and two, issued under the seal of the Patent Office, for new and useful improvements in mixing machines; and has prayed that it be enacted as herein-after set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents Commissioner of Patents may receive from the holder of the said patent an application for a certificate of payment of further fees and the usual fees for one or more terms for the said patent, and may grant and issue to such holder certificates of payment of further fees, provided by *The Patent Act*, granting extensions of the term of duration of the said patent in as full and ample a manner as if the application therefor had been duly made within the first six years from the date of the issue of the said patent. R.S., c. 61.

2. If any person, other than any licensee, has, in the period between the expiry of six years from the date of the said patent and the second day of January, one thousand nine hundred and nine, commenced to manufacture, use or sell in Canada the invention covered by the said patent, such person may continue to manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed: Provided that the Certain rights saved. Proviso. exemption shall not extend to any person who has commenced

the construction or manufacture of the said invention before the expiry of the patent, without the consent of the holder of the said patent.

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8-9 EDWARD VII.

CHAP. 135.

An Act respecting the Southern Central Pacific Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to ^{1903, c. 191;} grant the prayer of the said petition: Therefore His Majesty, ^{1906, c. 162.} by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 1 of chapter 191 of the statutes of 1903, incorporating the Southern Central Pacific Railway Company, as amended ^{1906, c. 162,} by section 1 of chapter 162 of the statutes of 1906, is further ^{s. 1 amended.} amended by striking out of the said section the words "J. D. McLennan, of the city of Cleveland, in the state of Ohio, one of the United States."

2. Section 2 of chapter 162 of the statutes of 1906 is amended ^{Provisional directors.} by striking out of the said section the words "J. D. McLennan, of the city of Cleveland, in the state of Ohio, one of the United States," and substituting therefor the words "Thomas Sturgis, of the city of New York, in the state of New York, one of the United States."

3. The construction of the railway of the Southern Central Pacific Railway Company may be commenced, and fifteen per cent of the amount of the capital stock expended thereon, within two years after the passing of this Act, and the railway completed and put in operation within five years after the passing of this Act; and if the railway is not so commenced and such expenditure is not so made, or if the railway is not completed and put in operation within the said respective periods, the powers

^{Time for construction of railway extended.}

of construction granted to the said Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Repeal.

4. Section 4 of chapter 162 of the statutes of 1906 is repealed.

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8-9 EDWARD VII.

CHAP. 136.

An Act respecting the St. Mary's and Western Ontario Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to 1905, c. 155; grant the prayer of the said petition: Therefore His Majesty, 1907, c. 130. by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The St. Mary's and Western Ontario Railway Company Lines of railway authorized. may construct the following lines of railway:—
 - (a) From the city of Woodstock, in the county of Oxford, to the city of Brantford, in the county of Brant.
 - (b) From a point at or near the town of St. Mary's, to a point at or near the city of Stratford, in the county of Perth.
 - (c) From a point on its main line between the town of St. Mary's and the village of Exeter, in a northerly and westerly direction, through the counties of Perth and Huron, to a point on the Guelph and Goderich Railway, between the villages of Auburn and Wolton.
 - (d) From a point on its main line, at or near the village of Exeter, to a point on Lake Huron, at or near the harbour of Grand Bend.
2. Unless the said Company commences within two years, and Time for completes and puts in operation within five years, after the passing of this Act the lines of railway which it is hereby authorized to construct, the powers granted for construction shall cease with respect to so much of the said lines as then remains uncompleted. construction limited.
3. All the powers of the said Company in relation to the Existing railway which it now has authority to construct shall extend powers to apply and apply to the railways authorized by section 1 of this Act.

Consent of
municipali-
ties to railway
on highway.

4. The said Company shall not construct or operate its line of railway along any highway, street, park or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street, park, or other public place, and upon terms to be agreed upon with such municipality; and in case of disagreement the matter shall be determined by the Board of Railway Commissioners for Canada.

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8-9 EDWARD VII.

CHAP. 137.

An Act to incorporate the St. Maurice and Eastern Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. John Bourgeois, junior, of the town of Shawinigan Falls, Incorporation. Ralph B. McDunnough, of the city of Three Rivers, James L. Rintoul, of the city of Montreal, John A. Walls, of the city of Montreal, and Frederick P. Kaelin, of the city of Montreal, all in the province of Quebec, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The St. Maurice and Eastern Railway Company," Corporate name. hereinafter called "the Company."

2. The undertaking of the Company is hereby declared to be a work for the general advantage of Canada. Declaratory.

3. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company. Provisional directors.

4. The capital stock of the Company shall be five hundred thousand dollars. Capital stock. No one call thereon shall exceed ten per cent on the shares subscribed.

5. The head office of the Company shall be in the town of Shawinigan Falls, in the county of St. Maurice, in the province of Quebec. Head office.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Monday in September.

Directors.

7. The number of directors shall not be less than five nor more than seven, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from a point on the National Transcontinental Railway, at or near the villages of St. Stanislas and St. Prosper, in the county of Champlain, thence in a westerly direction to and crossing the Batiscan River, thence in a westerly direction, through the parishes of St. Stanislas, St. Narcisse and Mont-Carmel, all in the county of Champlain, to and crossing the St. Maurice River, thence to and through the town of Shawinigan Falls; or, as an alternative, a line from a point on its above described line about ten miles easterly from Shawinigan Falls, thence in a northwesterly direction to a crossing of the St. Maurice River, at the most feasible point between Shawinigan Falls and Grand Mère, in the parish of Ste. Flore, county of St. Maurice, thence through the said parish of Ste. Flore, to and through the town of Shawinigan Falls.

The said line shall cross the line of the Canadian Northern Quebec Railway at or near the village of St. Stanislas, in the county of Champlain, and shall cross the line of the St. Maurice Valley Railway at or near the town of Shawinigan Falls, in the county of St. Maurice.

Consent of municipalities.

9. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street, or other public place, and upon terms to be agreed upon with such municipality.

Powers of company.

10. The Company may, in connection with its undertaking and for the purposes of its railway business, carry on the business of carriers, forwarding and transportation agents and all other business incidental thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners.

Telegraphs and telephones.

11. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with, or may lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time. Tolls.

3. Part II. of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company. R.S., c. 126.

12. The securities issued by the Company shall not exceed Issue of securities. forty thousand dollars per mile of the railway and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

13. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements, for any of the purposes specified in the said section 361, with the Commissioners of the Transcontinental Railway, the Canadian Northern Quebec Railway Company, the Grand Trunk Pacific Railway Company, and the St. Maurice Valley Railway Company, or with any of the said companies. Agreements with other companies.

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8-9 EDWARD VII.

CHAP. 138.

An Act respecting a patent of the Submarine Company.

[Assented to 19th May, 1909.]

WHEREAS the Submarine Company, a company incorporated Preamble. under the laws of the state of New Jersey, one of the United States, has by its petition represented that it is the owner of patent number sixty-nine thousand two hundred and seventy-nine, dated the twelfth day of November, one thousand nine hundred, for an improvement in subaqueous rock breakers, issued under the seal of the Patent Office; and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive from the holder of the said patent an application for a certificate of payment of further fees and the usual fees for one or more terms for the said patent, and may grant and issue to such holder certificates of payment of further fees, provided by *The Patent Act*, granting extensions of the term of duration of the said patent in as full and ample a manner as if the application therefor had been duly made within the first six years from the date of issue of the said patent.

Commissioner of Patents may extend duration of patents. R.S., c. 61.

2. If any person, other than any licensee, has, in the period between the expiry of six years from the date of the said patent and the sixteenth day of January, one thousand nine hundred and nine, commenced to manufacture, use, or sell in Canada the invention covered by the said patent, such person may continue to manufacture, use, or sell such invention in as full and ample a manner as if this Act had not been passed: Provided Certain rights saved. Proviso. that the exemption shall not extend to any person who has

commenced the construction or manufacture of the said invention before the expiry of the patent, without the consent of the holder of the said patent.

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8-9 EDWARD VII.

CHAP. 139.

An Act to incorporate the Superior and Western Ontario Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. James Forest Rochester, Arthur Milton Knox, John Symes ^{Incorpora-} Hollinsworth, John Barrett Prendergast and Frederick Henry ^{tion.} Honeywell, all of the city of Ottawa, in the county of Carleton, together with such persons as become shareholders in the company, are incorporated under the name of "The Superior and Western Ontario Railway Company," hereinafter called "the ^{Corporate} _{name.} Company."

2. The undertaking of the Company is declared to be a work ^{Declaratory.} for the general advantage of Canada.

3. The persons named in section 1 of this Act are constituted ^{Provisional} _{directors.} provisional directors of the Company.

4. The capital stock of the Company shall be one million ^{Capital} _{stock.} dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

5. The head office of the Company shall be in the city of ^{Head office.} Ottawa, in the county of Carleton.

6. The annual meeting of the shareholders shall be held on ^{Annual} _{meeting.} the first Tuesday in September.

Directors.

7. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of
railway
described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point on the Lake Superior branch of the Grand Trunk Pacific Railway, about one hundred and fifty-four miles northwest from Fort William to a point on the National Transcontinental Railway, north of Sturgeon Lake.

Special
powers.
Vessels.

9. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Buildings.

10. The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Consent of
municipali-
ties.

11. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy which may be transmitted and delivered to any place in the district through which the railway is authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

Electric or
other power.Rates and
charges.Consent of
municipali-
ties.

12. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

Telegraphs
and
telephones.

13. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake

the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with, or may lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

3. Part II. of *The Telegraphs Act*, except such portions thereof as are inconsistent with *The Railway Act* or with this Act, shall apply to the telegraphic business of the Company.

14. The securities issued by the Company shall not exceed ^{Issue of} _{securities.} thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

15. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with ^{Agreements with other} _{companies.} the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company and the Canadian Northern Railway Company, or with any of the said companies, for any of the purposes specified in the said section 361.

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8-9 EDWARD VII.

CHAP. 140.

An Act respecting the Thessalon and Northern Railway Company.

[Assented to 19th May, 1909.]

WHEREAS the Thessalon and Northern Railway Company, Preamble. hereinafter called "the Company," has by its petition represented that it was incorporated by chapter 110 of the statutes of Ontario of 1907, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the Ont., 1907,
c. 110. prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The railway which the Company was authorized by the Provincial Act mentioned in the preamble to construct from a point on the Algoma branch of the Canadian Pacific Railway about two miles northeast of the town of Thessalon, thence southwest-
erly to a point in or near the town of Thessalon, in the district of Algoma, thence northwesterly to a point at or near Thessalon station on the Algoma branch of the Canadian Pacific Railway, and from either of the said points on the said Algoma branch, northerly to a point on the Mississauga River in or near the township of Gould, in the district of Algoma, is declared to be a work for the general advantage of Canada.

2. Unless the said railway is completed and put in operation Time for construction extended. within five years after the passing of this Act the powers of construction conferred upon the Company shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

2. Subject to the provisions of sections 361, 362 and 363 of Agreements with other companies. The Railway Act, the Company may enter into an agreement with the Grand Trunk Railway Company of Canada, the Canadian Northern Railway Company or the Canadian Pacific Rail-

way Company for any of the purposes specified in the said section 361.

Capital stock.

3. The capital stock of the Company shall be one hundred and fifty thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Annual meeting.

4. The annual meeting of the Company shall be held on the first Tuesday in September.

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8-9 EDWARD VII.

CHAP. 141.

An Act respecting the Tilsonburg, Lake Erie and Pacific Railway Company.

[Assented to 19th May, 1909.]

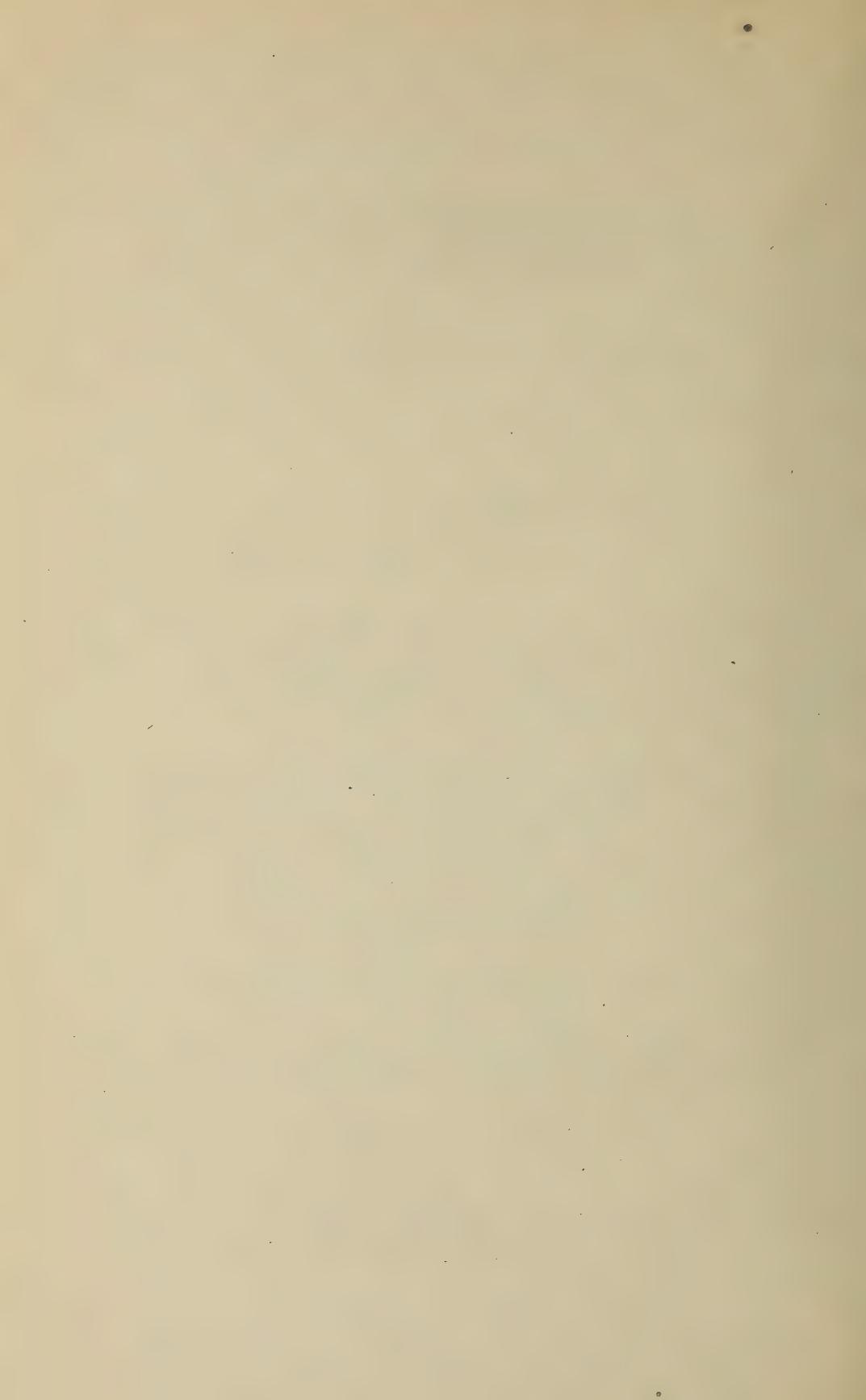
WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to 1890, c. 56; grant the prayer of the said petition: Therefore His Majesty, 1902, c. 105; by and with the advice and consent of the Senate and House of 1904, c. 133. Commons of Canada, enacts as follows:—

1. The Tilsonburg, Lake Erie and Pacific Railway Company Time for may, within five years after the passing of this Act, complete construction of railway and put in operation the line of railway which it was authorized extended. to construct by section 2 of chapter 105 of the statutes of 1902, and if the said railway is not so completed and put in operation within the said period the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

2. The Company shall not construct or operate its line of Consent of municipality. railway along any highway, street, park or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street, park or other public place, and upon terms to be agreed upon with such municipality.

3. Chapter 133 of the statutes of 1904 is repealed.

1904, c. 133
repealed.





8-9 EDWARD VII.

CHAP. 142.

An Act for the relief of Hannah Ella Tomkins.

[Assented to 19th May, 1909.]

WHEREAS Dame Hannah Ella Trenholme, presently residing at the town of Coaticook, in the province of Quebec, wife of John Edwin Charles Tomkins, formerly of the village of Stanstead, in the said province, doctor of medicine, presently residing in the village of Yukon, in the state of Oklahoma, one of the United States of America, has by her petition alleged, in effect, that they were lawfully married on the tenth day of October, A.D. 1894, at the said town of Coaticook, she then being a spinster; that his legal domicile was then and thereafter continued to be in Canada; that in or about the month of November, A.D. 1904, he deserted her; that his present residence is unknown; that at divers places in the province of Quebec at divers times between the months of August and November, A.D. 1904, he committed adultery with Alice Holmes then the wife of Charles William Holmes, of the village of Rock Island, in the said province; that by chapter 108 of the statutes of 1904, intituled "An Act for the relief of Charles William Holmes," a divorce from the said Alice Holmes was granted to the said Charles William Holmes, on the ground of her adultery with the said John Edwin Charles Tomkins at divers times between the months of August, A.D. 1903 and November, A.D. 1905, at divers places both in the province of Quebec and in the United States of America; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with

the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

Right to marry again.

1. The said marriage between Hannah Ella Trenholme and John Edwin Tomkins, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

2. The said Hannah Ella Trenholme may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Edwin Charles Tomkins had not been solemnized.

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8-9 EDWARD VII.

CHAP. 143.

An Act respecting the Toronto, Niagara and Western Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Toronto, Niagara and Western Railway Company may, within five years after the passing of this Act, complete and put in operation the railways which it has heretofore been authorized to construct; and if the said railways are not completed and put in operation within the said period the powers of construction conferred upon the said Company by Parliament shall cease and be null and void with respect to so much of the said railways as then remains uncompleted.

2. Section 5 of chapter 169 of the statutes of 1906 is repealed.

1906, c. 169
amended.

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8-9 EDWARD VII.

CHAP. 144.

An Act respecting the Bank of Vancouver.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to 1908, c. 166. grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything in *The Bank Act*, or in chapter 166 of the statutes of 1908, incorporating the Bank of Vancouver, the Treasury Board may, within two years from the second day of April, nineteen hundred and eight, give to the said bank the certificate required by section 14 of *The Bank Act*. Extension of time for Board certificate. R.S., c. 29.

2. In the event of the said bank not obtaining the said certificate from the Treasury Board within the time aforesaid, the rights, powers and privileges conferred on the said bank by the said Act of incorporation and by this Act shall thereupon cease and determine, but otherwise shall remain in full force and effect notwithstanding section 16 of *The Bank Act*. Powers to cease if certificate not obtained.

3. Section 4 of chapter 166 of the statutes of 1908 is amended by adding the words "Harry L. Jenkins and L. W. Shatford" after the word "Ceperley" in the fourth line thereof. Provisional directors.

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8-9 EDWARD VII.

CHAP. 145.

An Act respecting the Vancouver, Fraser Valley and Southern Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1906, c. 175. by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The construction of the railway of the Vancouver, Fraser Valley and Southern Railway Company may be commenced, and fifteen per cent of the amount of the capital stock expended thereon, within two years after the passing of this Act, and the railway completed and put in operation within five years after the passing of this Act; and if the railway is not so commenced and such expenditure is not so made, or if the railway is not completed and put in operation within the said respective periods, the powers of construction granted to the said Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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8-9 EDWARD VII.

CHAP. 146.

An Act respecting the Vancouver, Westminster and Yukon Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, ^{1901, c. 87;} ^{1905, c. 173;} by and with the advice and consent of the Senate and House of ^{1906, c. 176} Commons of Canada, enacts as follows:—

1. The construction of the branch lines of railway authorized by chapter 176 of the statutes of 1906 may be commenced, and fifteen per cent of the amount of the capital stock expended thereon, within two years after the passing of this Act, and the said branch lines may be completed and put in operation within five years after the passing of this Act; and if the said branch lines are not so commenced and such expenditure is not so made, or if the said branch lines are not completed and put in operation within the said respective periods, the powers of construction granted to the Vancouver, Westminster and Yukon Railway Company by Parliament shall cease and be null and void as respects so much of the said branch lines as then remains uncompleted.

2. Nothing herein shall be deemed to extend the time now limited for the construction and completion of the main line of railway authorized by chapter 87 of the statutes of 1901.

3. Section 4 of chapter 176 of the statutes of 1906 is repealed.

<sup>1906, c. 176
amended.</sup>

4. Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Vancouver, Westminster and Yukon Railway Company may enter into agreements with the Burrard, Westminster Boundary Railway and Navigation Company for any of the purposes specified in the said section 361.

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8-9 EDWARD VII.

CHAP. 147.

An Act to incorporate the Victoria and Barkley Sound Railway Company.

[Assented to 19th May, 1909.]

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. William Kyle Houston, Henry Humphrey Jones, William ^{Incorporation.} Edward Laird, and Charles L. Betterton, all of the city of Victoria, in the province of British Columbia, and John M. Hawthorne, of the city of Seattle, in the state of Washington, one of the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The Victoria and Barkley Sound Railway Company," herein-^{Corporate name.} after called "the Company."
2. The undertaking of the Company is declared to be a work ^{Declaratory.} for the general advantage of Canada.
3. The persons named in section 1 of this Act are constituted ^{Provisional directors.} provisional directors of the Company.
4. The capital stock of the Company shall be one million five ^{Capital stock.} hundred thousand dollars. No one call thereon shall exceed ten per cent of the shares subscribed.
5. The head office of the Company shall be at the city of ^{Head office.} Victoria, in the province of British Columbia.
6. The annual meeting of the shareholders shall be held on ^{Annual meeting.} the first Tuesday in September.

Directors.

7. The number of directors, of whom the majority shall be British subjects, shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of
railway
described.

8. The Company may lay out, construct and operate a line of railway of the gauge of four feet eight and one-half inches from some point at or near the city of Victoria, in the province of British Columbia, thence by way of Otter Point and San Juan to a point on Barkley Sound near Sarita River, also a branch line from a point on the main line between Metchosin and Sooke to Beecher Bay.

Ferry on the
Straits of
Juan de Fuca.

9. The Company may, for the purposes of its undertaking, construct, acquire, maintain and operate a steam ferry between Beecher Bay, or some other point on Vancouver Island on the Straits of Juan de Fuca, on its line of railway to some point on the said straits within the United States.

Consent of
municipalities.

10. The Company shall not construct or operate its line of railway along any highway, street or any public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed on with such municipality.

Issue of
securities on
railway.

11. The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Issue of
securities on
other
property.

12. In addition to the securities authorized by the next preceding section, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion borrow money for the Company's purposes other than the railway, and may issue bonds and debentures and debenture stock, or other securities for the construction, acquisition, extension, or development of any of the properties, assets or works, other than the railway, which the Company is authorized to construct, acquire or operate; but such bonds, debentures, perpetual or terminal debenture stock or other securities shall not exceed in amount the value of such properties, assets and works.

Execution of
mortgages.

2. For the purpose of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described therein.

3. All the provisions of sections 136 to 148, both inclusive, ^{R.S. c. 37} of *The Railway Act*, shall, so far as they are applicable, apply ^{ss. 136} to 148. to such bonds, debentures, debenture stock or other securities or mortgages.

13. The Company may, under the authority of a resolution passed by the ordinary shareholders at any annual meeting, or at a special general meeting duly called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed stock of the Company are present or represented by proxy, issue any portion of its capital stock, not exceeding fifty per cent thereof, as preference stock, and such preference stock shall have such preference and priority as respects dividend and otherwise over ordinary stock as is declared by the resolution.

2. Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act and of *The Railway Act*: Provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preference and rights given by such resolution.

14. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures, to be used to facilitate the carrying on of business in connection therewith.

15. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built; and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

16. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction

dition over such highway or public place, and upon terms to be agreed upon with such municipality.

Telegraphs
and
telephones.

17. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public and collect tolls for such messages; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to any such companies.

Tolls.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

R.S., c. 126.

3. Part II. of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company.

Use of bridge
for foot
passengers
and carriages.

Tolls.

18. The Company may, subject to the provisions of *The Railway Act* and subject also to the order of the Board of Railway Commissioners for Canada, construct or arrange any of its railway bridges for the use of foot passengers and carriages, and in such cases the tolls to be charged for the passage of foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may from time to time be revised, by the said Board, but the Company may, at any time, reduce the tolls, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge.

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8-9 EDWARD VII.

CHAP. 148.

An Act for the relief of John Wake.

[Assented to 19th May, 1909.]

WHEREAS John Wake, of the town of Minnedosa, in the *Preamble*. province of Manitoba, gentleman, has by his petition alleged, in effect, that on the fourteenth day of October, A.D. 1907, at the city of Winnipeg, in the said province, he was lawfully married to Amy Annie Renwick, then of the said town of Minnedosa; that his legal domicile was then and is now in Canada; that at the city of Denver, in the state of Colorado, one of the United States of America, on or about the eighteenth day of June, A.D. 1908, and at other times in the said month of June, she committed adultery with one Wilson; that she is now residing at the said city of Denver; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between John Wake and Amy Annie *Marriage dissolved.* Renwick, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.
2. The said John Wake may at any time hereafter marry *Right to marry again.* any woman whom he might lawfully marry if the said marriage with the said Amy Annie Renwick had not been solemnized.

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8-9 EDWARD VII.

CHAP. 149.

An Act respecting the Walkerton and Lucknow Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by ^{1904, c. 138;} ^{1905, c. 175.} and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Walkerton and Lucknow Railway Company may Time for commence the construction of its railway from a point at or ^{construction} _{of railway} extended. near the town of Walkerton to a point at or near the village of Lucknow, via Teeswater, authorized by section 8 of chapter 138 of the statutes of 1904, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced or is not completed and put in operation within the said periods respectively, the powers of construction conferred by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

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8-9 EDWARD VII.

CHAP. 150.

An Act for the relief of Fleetwood Howard Ward.

[Assented to 19th May, 1909.]

WHEREAS Fleetwood Howard Ward, of the city of Montreal, Preamble. in the province of Quebec, gentleman, has by his petition alleged, in effect, that on the second day of April, A.D. 1904, at the city of New York, in the state of New York, one of the United States of America, he was lawfully married to Jennie May Morell, then of the said city of New York; that his legal domicile was then and is now in Canada; that, at the said city of Montreal, on or about the tenth day of July, A.D. 1908, she committed adultery with one David Cohen; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Fleetwood Howard Ward and Marriage dissolved. Jennie May Morell, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

2. The said Fleetwood Howard Ward may at any time Right to marry again. hereafter marry any woman whom he might lawfully marry if the said marriage with the said Jennie May Morell had not been solemnized.

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8-9 EDWARD VII.

CHAP. 151.

An Act to incorporate the Western Canadian Life Assurance Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be ^{Preamble.} enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. William Johnston Holt Murison, John Colvin, John Hill-^{Incorporation.} yard Richardson, and Clark Hamilton Smith, all of the city of Vancouver, in the province of British Columbia, and Alexander Shepherd Lown, of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The ^{Corporate} Western Canadian Life Assurance Company," hereinafter called ^{name.} "the Company."

2. The persons named in section 1 of this Act, together with ^{Provisional} _{directors.} such persons, not exceeding eight, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum; and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon; and shall deposit in a chartered bank in Canada all moneys ^{Powers.} received by them on account of stock subscribed, or otherwise received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, and may do generally what is necessary to organize the Company.

3. The capital stock of the Company shall be one million ^{Capital stock.} dollars, divided into shares of one hundred dollars each.

Head office

4. The head office of the Company shall be in the city of Vancouver, in the province of British Columbia.

Agencies.

2. The directors may, from time to time, establish local advisory boards or agencies, either within Canada or elsewhere.

First general meeting.

5. So soon as five hundred thousand dollars of the capital stock of the Company have been subscribed, and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders of the Company at some place to be named in the city of Vancouver, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect nine directors, hereinafter called "shareholders' directors."

Qualification.

2. No person shall be a shareholders' director unless he holds in his own name, and for his own use, at least fifty shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company.

Policy-holders' directors.

6. In addition to the shareholders' directors, at the third annual meeting of the Company, and thereafter at each annual meeting, there shall be elected by the participating policy-holders from among their number six directors who are not shareholders and who are hereinafter called "policyholders' directors."

Rights of participating policy-holders.

2. Every person whose life is insured under a policy or policies of the Company for one thousand dollars or upwards, and who has paid all premiums then due thereon, whether such person is a shareholder of the Company or not, and who is by the terms of his policy entitled to participate in profits, is referred to in this Act as a holder of a participating policy, and shall be a member of the Company and be entitled to attend and vote, in person or by proxy, at all general meetings of the Company; and every holder of a participating policy of the Company for a sum not less than one thousand dollars, exclusive of bonus additions or profits, shall be entitled to one vote; but such policyholders shall not be entitled, as such, to vote for the election of shareholders' directors. Every proxy representing a participating policyholder must be himself a participating policyholder and entitled to vote, and any such participating policyholder who is not a shareholder shall be eligible for election as a policyholders' director.

Joint meetings.

3. The policyholders' directors shall meet with the shareholders' directors and shall have a vote upon all business matters.

Quorum.

7. At all meetings of the directors a majority of them shall be a quorum for the transaction of business.

President and vice-presidents.

8. The directors shall elect from among themselves a president of the Company and one or more vice-presidents.

9. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given; provided that the Company shall not commence the business of insurance until sixty-two thousand five hundred dollars of the capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act.

2. No subscription to the capital stock upon which less than ten per cent has been paid in cash shall be reckoned as part of the amount of capital stock required to be subscribed under this Act.

3. No sum paid by any shareholder who has paid in cash less than ten per cent of the amount subscribed by such shareholder shall be reckoned as part of the said sixty-two thousand five hundred dollars required to be paid under subsection 1 of this section.

10. A general meeting of the Company shall be called once in each year, after the organization of the Company and commencement of business, at its head office, and at such meeting a statement of the affairs of the Company shall be submitted.

11. Notice of the annual meeting shall be given by publication in two issues of *The Canada Gazette* at least fifteen days prior thereto, and also in six consecutive issues of a daily newspaper published at the place where the head office of the Company is situated, and such notice, after section 6 hereof becomes operative, shall intimate that participating policyholders may, in accordance with the provisions of this Act, vote for and elect six directors.

12. At the general meeting of the Company, each shareholder present or represented by proxy who has paid all calls due upon his shares shall have one vote for each share held by him. Every holder of a proxy representing a shareholder shall be a shareholder entitled to vote.

13. The Company may effect contracts of life insurance with any person, and may grant, sell or purchase life annuities and endowments depending upon the contingency of human life, and generally carry on the business of life insurance in all its branches and forms.

14. The Company may acquire and dispose of any real property required in part or wholly for the use and accommodation of the Company; but the annual value of such property held in any province of Canada shall not exceed five thousand

thousand dollars, except in the province of British Columbia, where it shall not exceed ten thousand dollars.

Distribution of profits.

15. The directors may, from time to time, set apart such portion of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other sources, and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies, to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared.

Paid up policies to be issued in certain cases.

16. Whenever any holder of a policy, other than a term or natural-premium policy, has paid three or more annual premiums thereon and fails to pay further premiums, or desires to surrender the policy, the premiums paid shall not be forfeited; but he shall be entitled to receive a paid-up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as may occur, or extended insurance under the policy for a period proportionate to such cash surrender value.

Cash surrender value and duration to be inserted in policy.

2. The sum so ascertained and the duration for which insurance may be extended, based upon the assumption that the policy is not subject to any lien by way of loan or otherwise, shall be inserted in the policy and form a part of the contract between the Company and the insured.

Liens to be accounted for.

3. In the event of the policy being subject to any such lien when default is made in payment of a premium as aforesaid, such lien shall be taken into account in fixing the cash surrender value and the paid-up or commuted policy herein referred to.

Cash surrender value to be applied to policy.

4. Until the policyholder elects to accept such cash surrender value or such paid-up and commuted policy, such cash surrender value shall be applied by the Company to maintain the policy in force at its full face value until the whole of the surrender value under the policy is exhausted.

Application of R.S., c. 79.

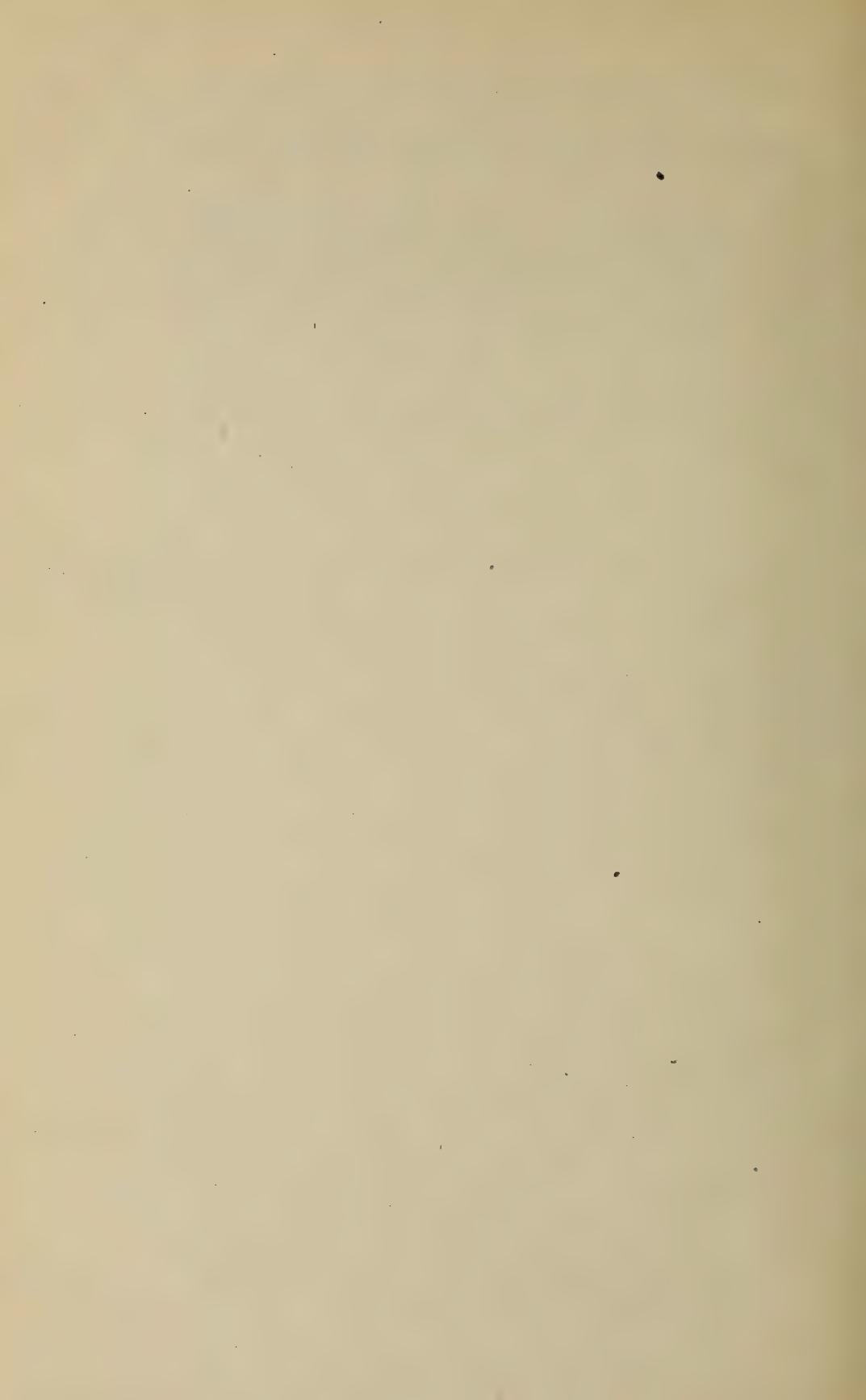
17. Part II. of *The Companies Act*, except sections 125, 134, 135, 141, 158, 159, 165 and 168 thereof, shall apply to the Company in so far as the said Part is not inconsistent with any provisions of this Act or of *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament: Provided, however, that the Company may make

Proviso as to loans.

loans to its shareholders or policyholders, not being directors, on the securities mentioned in *The Insurance Act*.

18. This Act, and the Company hereby incorporated, and R.S., c. 34. the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*, and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail.

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8-9 EDWARD VII.

CHAP. 152.

An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

[Assented to 19th May, 1909.]

WHEREAS the Windsor, Essex and Lake Shore Rapid Rail- Preamble
way Company has by its petition prayed that it be enacted Ont., 1901
c. 92;
as hereinafter set forth, and it is expedient to grant the prayer 1902, c. 97;
of the said petition: Therefore His Majesty, by and with the 1904, c. 95;
advice and consent of the Senate and House of Commons of 1905, c. 110;
Can., 1906.
c. 184.
Canada, enacts as follows:—

1. The Windsor, Essex and Lake Shore Rapid Railway Com- Time for
construction
extended.
pany may construct and complete within five years after the Ont., 1901,
c. 92, s. 12;
1904, c. 95,
s. 5;
passing of this Act, the lines of railway heretofore authorized 1905, c. 110
s. 7;
to be constructed by the said Company, and if the said lines 1904, c. 95,
1906, c. 184,
s. 2;
R.S., c. 37.
s. 150.
of railway are not completed and put in operation within the s. 5;
said five years, the powers of construction granted to the said 1905, c. 110
s. 7;
Company by Parliament shall cease and be null and void as Can. 1903,
c. 58, s. 117
1906, c. 184,
s. 2;
respects so much of the said lines of railway as then remains 1906, c. 184,
s. 2;
uncompleted.

2. The limitation of the amount of securities which may be Issue of
securities
increased.
issued by the said Company is hereby increased from twenty Ont., 1902
c. 97, s. 1.
thousand dollars per mile to twenty-five thousand dollars per Can., 1906,
c. 184, s. 2.
mile of the said lines of railway; but such securities may be
issued only in proportion to the length of the said lines of rail-
way constructed or under contract to be constructed.



8-9 EDWARD VII.

CHAP. 153.

An Act respecting the Bank of Winnipeg.

[Assented to 19th May, 1909.]

WHEREAS the provisional directors of the Bank of Winnipeg Preamble. have by their petition prayed that it be enacted as here-^{1908, c. 173}inafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything contained in *The Bank Act* or Extension of in chapter 173 of the statutes of 1908 incorporating the Bank of ^{time for} commencing ^{business.} Winnipeg, the Treasury Board may, within two years after the ^{business.} third day of April, 1908, give to the Bank the certificate required R.S., c. 29. by section 14 of *The Bank Act.*

2. If the Bank does not obtain the said certificate within the ^{Effect of} time aforesaid, the rights, powers and privileges conferred on ^{certificate.} the Bank by its Act of incorporation and by this Act shall there-upon cease and determine, but otherwise shall remain in full force and effect notwithstanding section 16 of *The Bank Act.*

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8-9 EDWARD VII.

CHAP. 154.

An Act respecting the Winnipeg and Northwestern Railway Company.

[Assented to 7th April, 1909.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1907, c. 141. grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 7 of chapter 141 of the statutes of 1907, incorporating the Winnipeg and Northwestern Railway Company, hereinafter called "the Company," is amended by adding thereto the following paragraphs:—

"(e) from a point on its authorized line at or near the Narrows of Lake Manitoba westerly to a point in or near township twenty-five, range thirty, west of the first principal meridian, thence northwesterly to a point on its authorized line of railway at or near Nut Lake;

"(f) from a point on the said last-mentioned branch, at or near Good Spirit Lake, in a southeasterly direction to a point on the Grand Trunk Pacific Railway, near the second principal meridian, or between the said meridian and the boundary of Manitoba."

2. The construction of the railways authorized by the said Act and by this Act may be commenced, and fifteen per cent of the amount of the capital stock expended thereon, within two years after the passing of this Act, and the railways completed and put in operation within five years after the passing of this Act; and if the railways are not so commenced, and such expenditure is not so made, or if the railways are not completed and put in operation within the said respective periods, the

powers of construction granted to the Company by Parliament shall cease and be null and void as respects so much of the railways as then remains uncompleted.

Issue of securities.

3. The limit of the amount of securities specified by section 8 of chapter 141 of the statutes of 1907 shall apply to the lines of railway which the Company is authorized by this Act to construct.

Guarantee of securities of other companies.

4. The Company may from time to time guarantee in whole or part the payment of principal or interest, or both, of the bonds, debentures or other securities of any railway company, or any transportation, navigation, park, elevator, warehouse, express, hotel, water-power, or other company authorized to carry on any business incidental to the working of a railway; provided that such guarantee is approved by a resolution passed by not less than two-thirds in value of the shareholders of the Company present or represented by proxy at a special general meeting called for the purpose; and provided that the agreement for such guarantee has been approved by the Governor in Council.

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TO

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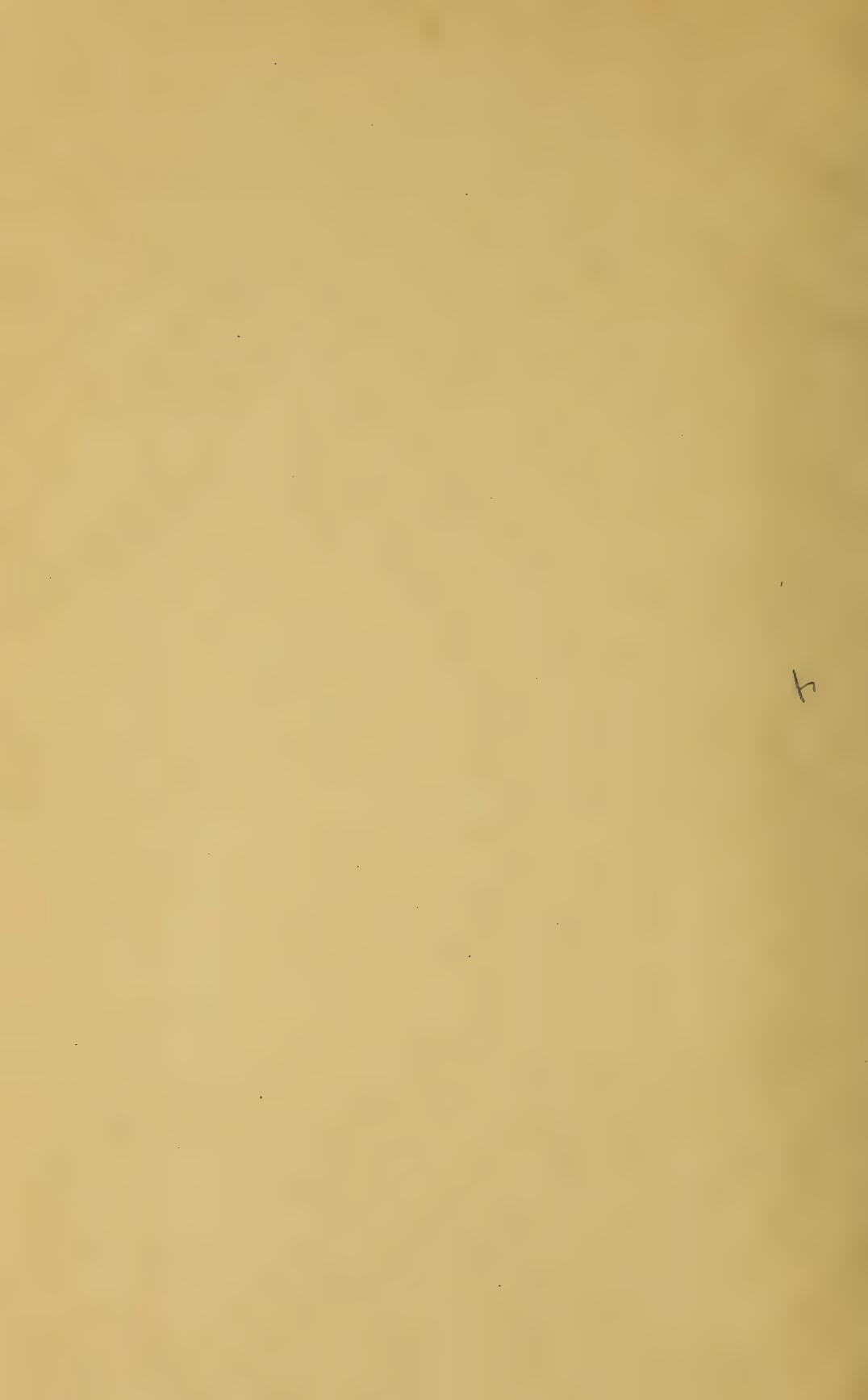
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